

**SUFFOLK COUNTY LEGISLATURE  
GENERAL MEETING  
TWELFTH DAY  
JUNE 24, 2003**

**MEETING HELD AT THE WILLIAM H. ROGERS LEGISLATURE BUILDING  
IN THE ROSE Y. CARACAPPA AUDITORIUM  
VETERANS MEMORIAL HIGHWAY, SMITHTOWN, NEW YORK**

**MINUTES TAKEN BY**

**LUCIA BRAATEN AND ALISON MAHONEY, COURT REPORTERS**

**[THE MEETING WAS CALLED TO ORDER AT 9:35 A.M.]**

**P.O. POSTAL:**

Mr. Clerk, please call the roll.

**(Roll Called by Mr. Barton, Clerk)**

**LEG. CARACCIOLO:**

Here.

**LEG. GULDI:**

Here.

**LEG. VILORIA-FISHER:**

Here.

**LEG. HALEY:**

(Not Present)

**LEG. FOLEY:**

Present.

**LEG. LINDSAY:**

Here.

**LEG. FIELDS:**

Here.

**LEG. ALDEN:**

Here.

**LEG. CARPENTER:**

Here.

**LEG. CRECCA:**

Here.

**LEG. NOWICK:**

Here.

**LEG. BISHOP:**

(Not Present)

**LEG. BINDER:**

(Not Present)

**LEG. TONNA:**

(Not Present)

**LEG. COOPER:**

Here.

**D.P.O. CARACAPPA:**

Here.

**P.O. POSTAL:**

Here.

**MR. BARTON:**

14 present. (Amended to 13 present) (Not Present: Legs. Haley, Bishop, Binder and Tonna)

**P.O. POSTAL:**

Please stand for the salute to the flag, led by Legislator Caracciolo.

**[SALUTATION]**

**P.O. POSTAL:**

Please remain standing. We're going to have our invocation. Our Pastor is Wally Scofield, and he will be introduced by Legislator Michael Caracciolo.

**LEG. CARACCIOLO:**

Thank you, Madam Chair. Once again, it's my privilege and pleasure to introduce Reverend Scofield from the First Congregational Church here in Riverhead, actually across the River in the Town of Riverhead. Reverend Scofield, as you might recall, was with us just a couple of months ago when we were last in Riverhead, and I'm happy to say on short notice, since it was another Legislator's turn, and last minute arrangements being what they were, that representative couldn't be here. Reverend Scofield has indicated in the past that he's always ready, able and willing to assist us in prayer, so, without further ado, Reverend Scofield.

**REVEREND SCOFIELD:**

Let us pray. God of every now and then, we pause for one moment to praise you for all the moments of our lives. We praise you for the glorious moments, bread, the intimacy of lovers, lilacs, morning coffee, a rooted word, a rapturous song, a circle of stories, the scrunch of oldsters at play, children at prayer.

We praise you for the shared moments, honest exchange, deepening trust, earned friendships, smudgy work, a ballet of ideas, a lullaby of quietness, trouble met, the release of tears, the easing of fears, the renewing of wonder, the embracing of mystery.

We praise you for the surprising moments, the wink of a stranger, the flutter of hope in the stillness, the enchantment of a rainbow and the claim of a promise kept, the goodness beneath the flurry of things, beauty out of the muck, the clarified direction in a prayer, a light in the soul's night.

We praise you for the holy moments, all the bearers of love, of truth, of mercy, of meaning, of demand, of amazement, all that nudges us to readiness for the risks of faith, the mysterious awe that attaches us to your grace whom which nothing can separate us.

God, we praise you for every moment. The five gold medal moments of Jonathan Horton, the moment of winning a State Baseball Championship for the Mercy High School, and this moment for the Suffolk County Legislature. And we praise you for you, God, source of each moment, and present in all moments, always and in all ways. Amen.

**P.O. POSTAL:**

Thank you, Pastor Scofield. Please, be seated. We have some presentations. We're going to begin with Legislator Michael Caracciolo.

**LEG. CARACCILOLO:**

Thank you once again, Madam Chair. Good morning, colleagues. Good morning guests and visitors. And a special welcome this morning to ten year old Jonathan Horton. Jonathan, come on up. Come up with your parents and your grandparents. Lisa, if we can get a chair and have Jonathan stand in that chair. Can you get up there Jonathan? Athlete, I'm sure you can.

Ladies and Gentlemen, here is one of Suffolk County's brightest, best, someone we're all proud of, a constituent, or I should say the son of constituents. You're not old enough to vote yet, but, hopefully, when you do, you'll approach that with the same vigor that you've approached the Special Olympics.

Earlier this year, Jonathan participated as one of many contestants in the Empire State Games for the Physically Challenged. And not only did he compete, he excelled in competing. And I think -- let's show some of those medals you won Jonathan. There are five here, Ladies and Gentlemen, five. So no handicap is going to stop this young man. How about a round of applause for Jonathan.

**(APPLAUSE)**

Mom and Dad, you should be especially proud, as I know you are. The newspaper article that appeared in the local press not only, I'm sure, caught my attention, but it caught the attention of all its readers. We are so impressed with you, Jonathan. And I was especially pleased, also, to hear, in the kind words of Pastor Scofield, mention of your achievement. Five medals, and let me just cite what competition they were in. 800 meters, no easy fete. 100 meter race, so you not only have the endurance, you have the sprint capacity. Soft discus throw, baton throw, and a 50 meter swim. So you're an all around -- you're well on your way to being a triathlete, and maybe some day we'll see you in the U.S. Olympics, because I don't think any handicap's going to slow you down or stop you. God bless you, and congratulations, Jonathan.

**(APPLAUSE)**

Mom and Dad, would either of you like to say a few words. How about you, Jonathan, would you like to say anything?

**MR. JONATHAN HORTON:**

{ Negative Response }

**LEG. CARACCILOLO:**

Okay. Just keep that beautiful smile. Mom?

**MS. HORTON:**

I'm speechless.

**LEG. CARACCILOLO:**

Mom's speechless. Okay. Dad? Okay.

**MR. HORTON:**

Can't stop him.

**LEG. CARACCILOLO:**

Okay, can't stop him. Well, we look forward to hearing a lot more about you. Take care. Watch yourself getting down. Thank you. Thank you all.

**(APPLAUSE)**

Here you go. That's for you, Jonathan.

**MR. HORTON:**

Thank you.

**MR. JONATHAN HORTON:**

Thank you.

**LEG. CARACCILO:**

You're welcome.

**P.O. POSTAL:**

And if we could just learn to smile and hold our comments, things would be a lot pleasanter. We have a second --

**LEG. CARACCILO:**

We have one that --

**P.O. POSTAL:**

A second proclamation --

**LEG. CARACCILO:**

That's correct.

**P.O. POSTAL:**

-- from Legislator Caracciolo.

**LEG. CARACCILO:**

Like Pastor Scofield, it was only a couple of months ago that we recognized and paid tribute to the Mercy High School Basketball Team and Championship Team. And today I have the privilege

of -- Coach, if you would come up. We have proclamations for each of the players, if the players would stand up, please.

Mercy High School, as many know, is a parochial high school in the Hamlet of Riverhead. And in its 47-year history, it has never in any sport had a team to go on and compete in a State competition and walk away with the gold medal or the State Championship trophy. So today we're here to honor these young men and -- I was going to say women, but no, there are no women. And you, Coach, for an outstanding season, because this is a school that is not only good in athletics, as we have now observed on two separate occasions, but this is a school that is a school that's been recognized for excellence in education as well.

So on behalf of the 1.4 million residents of Suffolk County, it's my pride and privilege to present you, Coach Doroski, with this proclamation. I think the photographer wants to get a shot.

**[PHOTOGRAPH WAS TAKEN]**

**(APPLAUSE)**

**LEG. CARACCILOLO:**

Thank you. And for each of you young men, congratulations. We have proclamations, which we'll give to your coach. We'll go out in the lobby and I'll personally present each one of you with one. And we just want to tell you to keep up the fine work and the pride you bring us here on the East End. Thank you.

**(APPLAUSE)**

**P.O. POSTAL:**

Thank you, Legislator Caracciolo. Thank you very much. Legislators Crecca and Nowick.

**LEG. CRECCA:**

Actually, Nowick and Crecca.

**P.O. POSTAL:**

Nowick and Crecca. I agree with that.

**LEG. NOWICK:**

Thank you.

**LEG. CRECCA:**

Thanks.

**LEG. NOWICK:**

Thank you, Maxine.

**P.O. POSTAL:**

You're welcome.

**LEG. NOWICK:**

Ladies and Gentlemen, it gives me great pleasure to introduce the Suffolk County League Class A Lacrosse Champions for 2003. Now, I know Paul wants to hear the --

**P.O. POSTAL:**

Legislator Nowick, I have a feeling that that microphone might not be turned on.

**LEG. CRECCA:**

It's not.

**LEG. NOWICK:**

Okay. I know that Paul Sabatino wants to hear the Nowick blow-by-blow description of the events, and so I will tell you the goings on.

With an 11-3 record, the Smithtown Bulls were seated fourth going in the playoffs. In each of the playoff games, the team fought tough teams, with each game decided by one goal. In the last game against West Islip, the winning goal was scored with ten seconds left on the clock. And the Bulls were led by Coach Kevin Huff and Assistants Jason Lambert, Greg Foster, and David {Kroll}. This season, the Lacrosse Team capped an amazing season for Smithtown, with titles being won in many sports by both boys and girls. And you can jump in at any time here.

And I must tell you how proud we are at Smithtown Schools. We're certainly producing fine



athletes, fine scholars. I know that some of the young men here are seniors and they're going on to attend college. I think one of you are going to Marist, one to Drexel, and lucky for their parents, they're getting nice little scholarships. Just keep up with the sports. We're very, very proud of you in Smithtown. That's wonderful. And to the Coaches and Assistants as well. And, Andrew, if you'd like to say a few words.

**LEG. CRECCA:**

I'll just be brief. Congratulations to you guys. Beating West Islip certainly is a fete. As an alumnus from West Islip, I give you great credit and kudos for that.

**LEG. NOWICK:**

And the Legislators from West Islip.

**LEG. CRECCA:**

Sorry, Angie, but, you know, Smithtown beat out West Islip. But the other thing I'll add, too, is -

**LEG. CARPENTER:**

I'm well aware of it. I was planning a proc for the other team.

**LEG. CRECCA:**

Whoever is going to Marist, good luck. That's my -- I'm an alumnus from there, too. So congratulations, guys, and maybe the Legislature can give you a big round of applause for your accomplishments as an athlete.

**(APPLAUSE)**

**P.O. POSTAL:**

Thank you, Legislator Nowick and Crecca. We now have a presentation from some officials from Brookhaven National Laboratory. Louis Sadler, {Jean Escoli} and Dave Grier, our own Dave Grier. And this is regarding a CN for a land transfer.

**MR. GRIER:**

That's correct. Earlier this year, this Legislature had adopted Resolution 85 of 2003, which authorized a 72-h transfer to the United States Department of Energy to convey approximately

seven-tenths of an acre to the Department of Energy to undertake a remediation of property which was south of Brookhaven Labs. In that resolution, it called for a reversion to the County after the project was completed, and require certain things be done as part of that transfer, such as indemnifications, the property being in a certain condition when we take it back, so on and so forth.

In negotiating with the Department of Energy and Brookhaven Labs, we were unable to come to terms for a variety of reasons on those items, such as the indemnification, which had hired that it be open-ended, essentially, for the County, so that we were covered from any environmental liabilities subsequent. The Department of Energy and Brookhaven Labs wouldn't agree to that, because there are certain provisions of Federal law which would prevent them from having an open-ended indemnity provision because of appropriations. So what we decided to do instead was then we -- we're trying to negotiate an access agreement to give them access for the period of time.

And because of, again, the indemnification provisions and the cost of insurance, which we were requiring to undertake this transaction, we ultimately decided that, at this point, it would be simpler and more cost effective for everybody if we just did a straight conveyance without a reversion back to the County after the project was finished. It would eliminate the financial constraints that we were facing and the legal obligations, because the County, in taking it back, would lose its status as an involuntary owner under CERCLA, which is a big benefit to the County in order to proceed with this.

So we just wanted to advise the Legislature that later today we'll be presenting a CN to convey the property outright to the Department of Energy, and they'll own it in perpetuity, and, you know, the County would be giving them the property, so that they can actually undertake this project. And the reason we're doing it by the way of CN is the Department of Energy is already undertaking construction of the different facilities it needs to do the remediation, and this is one of the last pieces place that needs to be finalized, so that they can actually undertake all of the different components.

**P.O. POSTAL:**

Thank you, Dave.

**LEG. VILORIA-FISHER:**

Madam Chair, I have a question.

**LEG. ALDEN:**

Question.

**P.O. POSTAL:**

Legislator -- okay.

**LEG. VILORIA-FISHER:**

I have a question either for David or for Paul. I recall this in Ways and Means. We had passed this in a resolution, the 72-h. Now -- and we passed it in the full Legislative meeting. What, then, happens to that resolution, do we have to have something to nullify the policy in that resolution?

**MR. GRIER:**

I could answer that question.

**MR. SABATINO:**

Well, let me just back up and say that we did pass the resolution, as you indicated. It was corrected once before the final version was adopted, because there was some dispute about the reverter clauses. As far as I knew, everything was going forward. I think the new development is that we're being told today that the parties won't agree to the terms and the conditions of the reversion, I guess, so, presumably, the Certificate of Necessity is going to repeal what we previously did, but I'm not clear on what took place.

**LEG. VILORIA-FISHER:**

So within this CN?

**MR. GRIER:**

Yes.

**LEG. VILORIA-FISHER:**

Okay.

**MR. GRIER:**

Yes, it does repeal the prior.

**LEG. VILORIA-FISHER:**

Within the CN, it will repeal the 72-h.

**MR. GRIER:**

That's correct.

**LEG. VILORIA-FISHER:**

And move to a conveyance.

**MR. GRIER:**

Correct.

**LEG. VILORIA-FISHER:**

Okay. I was just curious.

**MR. GRIER:**

It's still 72-h, it's just a 72-h without a reversion, if we eliminated all the other insulator clauses, so it's much more streamlined.

**LEG. VILORIA-FISHER:**

Okay. Then that leads me to another question. Paul, didn't we just have a resolution stating that we would have stricter reverter clauses in 72-h's? So can we do a 72-h without a reverter clause? I thought --

**MR. SABATINO:**

Well, two things. One is that resolution hasn't been adopted yet. That's the one that keeps getting tabled in Ways and Means. But even if it had been adopted, the previous one that we did had a very strict reverter clause, but this would basically be transferring the property with no reverter clause, which means you'd have to -- you'd have to basically make a policy decision that you're comfortable with that. But you're right, it would be inconsistent with what we're proposing, but that bill hasn't been passed, so --

**LEG. VILORIA-FISHER:**

Okay. If that bill had been passed, would it have prohibited this kind of action?

**MR. SABATINO:**

Well, it would have, subject to a waiver. You can always -- with a resolution, you can do a waiver, so this would have required an additional clause saying that that reverter clause requirement would have to be waived. So you could still do it that way, just it would be more of a policy decision that you'd be making as opposed to here, with no restriction, you don't have to make that decision.

**LEG. VILORIA-FISHER:**

Okay. All right. Thank you, David. Thank you, Paul.

**P.O. POSTAL:**

Legislator Alden.

**LEG. ALDEN:**

Dave, are the properties contaminated?

**MR. GRIER:**

As far as what we understand, no. We already -- we did a Phase II environmental audit of the property, that was already undertaken, and we've also been advised by the DEC that there was no information that they had regarding contaminants on the property.

**LEG. ALDEN:**

Okay. But this is going to aid another level of government to do a cleanup of an adjacent piece of property.

**MR. GRIER:**

Correct.

**LEG. ALDEN:**

All right. Are we getting anything in return for that?

**MR. GRIER:**

We were doing it as we had with the other 72-h, we're doing it for a dollar, which, you know, we

do with multiple properties. In this case, we're doing it so that we can facilitate the cleanup of this plume of contamination emanating from the lab southwards into the property which is just adjacent to the parcels we're conveying.

**LEG. ALDEN:**

How large is our piece of property?

**MR. GRIER:**

The total of the three parcels together is about seven-tenths of an acre.

**LEG. ALDEN:**

And what was our purpose in holding the property?

**MR. GRIER:**

We took it for taxes. They're all tax acquired parcels.

**LEG. ALDEN:**

So, eventually, we would have conveyed to somebody that would have built a house, or something along those lines?

**MR. GRIER:**

That's possible town the road. I don't know what Real Estate's ultimate intention was. Right now, there is no direct access to a roadway from the parcels, so that was, I think, one of the reasons why they had never put them up for auction.

**LEG. ALDEN:**

All right. Thanks. Have you explored the idea of us being compensated for it?

**MR. GRIER:**

We did, you know, discuss it, but we felt, in the scheme of trying to facilitate the remediation, we would convey the properties. It would be the County's contribution towards facilitating the cleanup of a large piece of property in, you know, the cooperative spirit of having the two levels of government work together.

**LEG. ALDEN:**

You're talking about Federal Government and us.

**MR. GRIER:**

Correct.

**LEG. ALDEN:**

Do you have any idea how much it's cost us from our contribution to the cleanup because of Brookhaven National Lab?

**MR. GRIER:**

I don't -- I'm not aware that we have contributed anything at this point toward any cost. It would not be our responsibility to contribute any costs to the cleanup of that property, since this - our parcel is being utilized to actually construct the pump and treat facility, which will do the actual cleaning of the water that's pumped out of the adjacent property. That's why we have taken this step. That's what our property is being used for. But other than, I'm not aware of any contribution the County's made towards the cleanup of the parcel.

**LEG. ALDEN:**

Thank you.

**P.O. POSTAL:**

Bill, Legislator Lindsay.

**LEG. LINDSAY:**

So, just to get to the bottom line, we have seven-tenths of an acre that's landlocked.

**MR. GRIER:**

Correct.

**LEG. LINDSAY:**

Right. So there's no way of getting into it. And the Lab has been using the property now to set -

**MR. GRIER:**

No.

**LEG. LINDSAY:**

No.

**MR. GRIER:**

They have not undertaken any use of the property as of now.

**LEG. LINDSAY:**

Okay. What we're proposing is to turn the property over to the Lab, so that they can accelerate the cleanup process out there.

**MR. GRIER:**

Well, it's one of six different installations that are being put in to remediate the property. This --

**LEG. LINDSAY:**

It would be a permanent installation to remediate the plume?

**MR. GRIER:**

It's going to be ten to fifteen years, and then the installation is going to be removed --

**LEG. LINDSAY:**

Dismantled?

**MR. GRIER:**

-- from the property.

**LEG. LINDSAY:**

Okay.

**MR. GRIER:**

So it's not going to be permanent in the sense of in perpetuity, during the period of cleanup it will be there.

**LEG. LINDSAY:**

So the reason we're doing this is to facilitate the cleanup of the contamination in the ground in



that whole area.

**MR. GRIER:**

Correct.

**P.O. POSTAL:**

Okay. Any other questions? Thank you. Now, before we move to the public portion, a couple of announcements. In order to expedite the general meetings, I will not be reading the committee report for each bill on the agenda. Instead, you'll notice that your copy of the agenda has been marked with the committee report, so that will save us some time.

The County Executive's Office has notified us that they are trying to have the Capital Budget vetoes available today. I think that that would be fair, since Newsday had them, I guess, early enough to put it in today's paper, so --

**LEG. CARPENTER:**

And the radio this morning.

**P.O. POSTAL:**

So they're going to try to have those vetoes available today. And so I'm going to move the vote on the Capital Budget vetoes, if available, to the end of the public portion and the public hearings.

**LEG. CARPENTER:**

Call the radio station, they have it.

**P.O. POSTAL:**

Well, that was my point. The radio stations, the newspapers knew what the vetoes were and, apparently, while we won't be the first to know, we won't be the last either.

We're going to go to the Consent Calendar. I have a motion to approve by Legislator Guldi, seconded by Legislator --

**LEG. FIELDS:**

Fields.

**P.O. POSTAL:**

Fields, except for I.R. 1489. It's been requested that this resolution will be tabled. That request came too late to pull it out of the Consent Calendar. So that after we approve the Consent Calendar, we will table I.R. 1489. We have a motion to approve Consent Calendar, with the exception of 1489.

**LEG. FIELDS:**

Second.

**P.O. POSTAL:**

Seconded by Legislator Fields, I believe. All in favor? Opposed?

**LEG. CARACCILOLO:**

Aye.

**P.O. POSTAL:**

Consent Calendar is approved.

**MR. BARTON:**

16.

**P.O. POSTAL:**

With the exception of 1489. I have a motion to table 1489 by Legislator Carpenter, seconded by Legislator Caracappa. All in favor? Opposed? 1489 is tabled. Now, we're going to go --

**MR. BARTON:**

16. (Not Present: Leg. Haley)

**P.O. POSTAL:**

-- to the public portion. You will recall that each speaker will have three minutes, and there is no questioning or commenting on this portion of the agenda by the members of the Legislature.

Our first speaker is Bill Biondi, who's Chief of the Mastic Beach Fire Department.

**CHIEF BIONDI:**

Thank you. I want to thank the Legislators for allowing me to speak for three minutes. I don't have a lot to say, but what I have to say is very important to the men and women of the Mastic Beach Fire Department. And what we're doing is we're asking you Legislators to support 1469, which gives the Mastic Beach Fire Department permission to hold a fund-raiser at Smith Point.

This fund-raiser has been done at Smith Point for almost 30 years. This will be our 30th year that we've been doing it over there.

We've had no problems in the past. We've had very little problems with the people. We're very courteous with them. As a matter of fact, we've gotten letters back from them how -- they couldn't believe how courteous we was. All we do is we've just got four guys dressed in uniform, they stand in front of the toll booths, and there's a sign out there that says, "Please donate to the Mastic Beach Fire Department."

I have seven pages of contributions that actually go back into the community and into the County itself, whether it's a charitable cause, a cancer victim. The money means a lot to the Mastic Beach Fire Department. Not only do we put fires out, but we try to help the community and Suffolk County as much as we can. We believe in helping people, and my job right now today is to get the Legislators to believe in us and help us out with this resolution.

**P.O. POSTAL:**

Thank you.

**CHIEF BIONDI:**

Thank you very much.

**LEG. FOLEY:**

Madam Chair.

**P.O. POSTAL:**

No.

**LEG. FOLEY:**

I know, I'm not going to ask a question. I would just like to have your staff distribute this letter that the Chief had sent to me and to be distributed to all the Legislators.

**P.O. POSTAL:**

Okay.

**LEG. FOLEY:**

Okay?

**P.O. POSTAL:**

Henry, would you have somebody distribute that?

**LEG. FOLEY:**

Thank you, Chief.

**CHIEF BIONDI:**

Thank you. Thank you.

**LEG. GULDI:**

Madam Chair.

**P.O. POSTAL:**

You're not speaking either, right?

**LEG. GULDI:**

No, I'm not asking a question of the speaker, but has the bill been discharged? And if it has not, could it be distributed for the discharge petition for a discharge motion?

**P.O. POSTAL:**

No.

**LEG. FOLEY:**

Yeah. I'm going to be distributing the bill this morning, Legislator Guldi, and making a motion to discharge from committee.

**P.O. POSTAL:**

I don't want you guys to get into the habit, you know. I think once you raise your hands, we're

already halfway down a dangerous road.

**LEG. CARACCIOLO:**

This is a question to Legislator Foley with regard to the letter.

**P.O. POSTAL:**

Why don't you get up and ask him privately?

**LEG. CARACCIOLO:**

Does the letter, Brian --

**P.O. POSTAL:**

Mike.

**LEG. CARACCIOLO:**

Okay.

**P.O. POSTAL:**

Thank you.

**LEG. CARACCIOLO:**

I'll wait for a copy of the letter.

**P.O. POSTAL:**

Thank you very much.

**LEG. CARACCIOLO:**

Chief, if you could leave my Legislative Aide a phone where I could reach you during the course of the day? I'd like to discuss this with you further.

**CHIEF BIONDI:**

Yes, absolutely. Thank you.

**LEG. FOLEY:**

Thank you, Chief.

**P.O. POSTAL:**

Next speaker -- I think we're going to have report cards.

**D.P.O. CARACAPPA:**

Yeah, good idea.

**LEG. FIELDS:**

You get an F for doing all that.

**LEG. FOLEY:**

Well, two things, a report card and a conduct book. We also have to have a conduct book.

**P.O. POSTAL:**

That side has got to improve its performance, I want you to know. Next speaker is William Cicola from the Mastic/Moriches/Shirley Library, formerly from the Copiague Library.

**MR. CICOLA:**

Good morning.

**P.O. POSTAL:**

Good morning.

**MR. CICOLA:**

I'm speaking on behalf of Resolution 1471, which is the Bay Area 5K Bridge Race that's scheduled for September 6th. Why is the Library Director speaking on behalf of that? Our library is a community center in Mastic/Moriches/Shirley. We have 42,000 card holders. And this fund-raiser is good for the County, it's public exposure to a beautiful park, it's good for the community. It gives us visibility and pride in where we live. It's good for students of the William Floyd School District. Scholarships are awarded from proceeds. It's good for the community library. Funds go for the literacy programs, which develop good workers, good citizens, and potential voters.

And we're talking about a total income that this race comes out to about \$11,750, minus

expenses, with net proceeds, of a total of \$4,000 donated back to the community, a small amount of the money with a large benefit that goes directly to people in our district. I urge the Legislators to please consider this benefit to the community.

**P.O. POSTAL:**

Thank you, Bill.

**MR. CICOLA:**

Thank you.

**LEG. FOLEY:**

Madam Chair, I have a letter from the Library regarding 1471, if you could have your staff also distribute that letter.

**P.O. POSTAL:**

Okay. Clerk's staff will distribute it.

**LEG. FOLEY:**

And we do intend to make a discharge motion on 1471 today as well.

**P.O. POSTAL:**

Peter Quinn.

**MR. QUINN:**

Good morning, Madam Chair, members of the Legislature. I'm Peter Quinn, Long Island Coalition for Democracy. I don't know whether there's a conspiracy of silence or whether there's undue negligence on the part of the County not to move aggressively toward alternate energy and away from fossil fuels. But let me cite some examples.

This Legislature, to its credit, passed the SUV legislation to reduce the number of SUV's in your County fleet, and, yet, the County Executive vetoed that. I'm hopeful that you will override that veto, so that we can begin an aggressive effort to -- for both economic and environmental control of our destiny.

Second, the solar port legislation, which was passed June 11th a year ago, which required as an

extra clause that there be 330 days to study the issue, at which time a report would be made, the DPW has not provided that report to this day. That's over 300 -- almost 380 days. So the Department of Public Works is negligent in not having followed the legislation that was passed, and I urge you to pressure them to come up with that report. I understand now they've even sought out LIPA as -- to have them have oversight. You're not going to get anything out of DPW if you have LIPA writing the report for them.

Third, the decision to replace Gordian Raacke. If any of you have read, Irving Like's analysis of LIPA in Suffolk Life last week, you will understand clearly the need to bring back Gordian Raacke and not rely on a replacement from KeySpan.

In addition, the tax -- the 300 million dollar proposal that I made for renewable energy required that investment bankers come on board. I was told by Budget Review that there had to be a five-member committee of the Budget Review in order to determine whether or not they would even undertake an economic analysis, despite the fact that the Suffolk County Electrical Agency, of which I am part, voted unanimously to call upon the Budget Review to do an economic analysis. But, in the absence of that, I am calling upon Jonathan Cooper to bring in investment bankers and determine whether or not, one, that the proposal that I had made is actually prudent. If you don't have outside investment bankers looking at the proposal, there's no way of determining whether or not it's economically viable. So I would urge you to take some action to expedite alternate energy proposals. Thank you.

**P.O. POSTAL:**

Thank you. Our next speaker is -- this is a big decision how to call this speaker, but I'll call him by his pseudonym, Jimminy Cricket.

**MR. GOLDSTEIN:**

Thank you, Madam Speaker, for honoring my request. I feel as though I have returned to the classroom, but if I may just interject, I concur with all of the points made by Mr. Peter Quinn. I highly endorse his statement.

Today's lesson has to do with hubris. And when I was in the classroom and I introduced vocabulary to my students, I always made it a point of defining it. Hubris is a term, a pseudonym -- a substitute for arrogance. But it goes beyond arrogance, it also has to do with ignorance.



One of the things that irked me today when I arrived at the meeting, although I was already irascible, which means rather upset and angry, I had to go through a security gate. That to me is an example of hubris. To think that this Legislature thinks that it is so important that it must protect itself against a terrorist attack. Let me remind you, you are all expendable, just as we are all expendable. And it is a shame that you would waste taxpayers' money in this kind of an arrogant stunt. All right. It's totally unjustifiable. Remember, you're all term-limited, okay, if nothing else. And there is even discussion afoot about the dissolution of this body as to whether or not it's worth it to the taxpayers of Suffolk County to even have you on their backs. But, enough said about that.

I said that there is ignorance and there is arrogance. All right. At the last meeting, I spoke about the tyranny of the majority, and I want to reinforce that lesson. After I had left that last meeting, a vote was taken with regard to the establishment of a register, a resolution introduced by Mr. Cooper. Well, if you bothered to pay attention to my point about the tyranny of the majority, you should understand that you took an oath to uphold the Constitution of the United States and the Constitution of the State of New York. Now, both of them have bills of rights, and it seems as though you are totally ignorant about the point that the majority is not simply in charge of government and can arrogantly do whatever it pleases. That's what tyranny of the majority is all about. But the Constitution of the United States and of New York State has certain guarantees in it that are designed to provide protection for and also respect for the rights of minorities.

The Fifth Amendment and the Fourteenth Amendment guarantee equal protection of the law. It's transmitted via the Fourteenth to the states. The First Amendment guarantees the right of the people to seek redress of their grievances and --

**P.O. POSTAL:**

Excuse me, Mr. Crecca. Your time is up, I'm sorry.

**MR. GOLDSTEIN:**

May I just make one final statement?

**P.O. POSTAL:**

No.

**LEG. FOLEY:**

Thank you.

**P.O. POSTAL:**

Thank you. The next speaker is Ronald G. Gross.

**MR. GROSS:**

Good morning. My name is Ronald Gross. I'm a Social Studies teacher in the William Floyd School District for the last 5 years. I'm a resident there for the last 36 years. I joined the Historical Committee as part of the William Floyd Summit about four years ago. I had this vision that I would put on a 5K race to bring together the community, to bring together the people of our great community, to showcase all the wonderful things that we have in our community, and to also, hopefully, showcase the beautiful park that we have down there, our Suffolk County Smith Point Park.

At the time, Bill Doyle, who was leading the Bay Area Civic Association, at the same time had mentioned to me that he, who was also on the Summit, was they thinking of doing a race as well, so we combined our efforts at that time. When we combined our efforts, a lot of great things happened. We started putting together ideas that would not only benefit our community, but were going to benefit the kids of our community. And as a teacher of this community, what better thing to happen than to buy books for kids, to give scholarships to kids who are going to off to a school, to bring people in our community together. All these things were great, great ideas, and with the unanimous support of this body for the last two years, we have successfully run that race down in Smith Point County Park with over -- with over 500 racers and -- 500 runners, and we've raised over \$6,000 over the last two years.

Now, the fact that I even have to come here and ask for your support to discharge that bill and get it out on the table greatly concerns me. And if we truly are going to be a government of the people, by the people and for the people, then we need this resolution to be passed expeditiously. Thank you.

**P.O. POSTAL:**

Thank you.

**LEG. VILORIA-FISHER:**

Thank you, sir.

**P.O. POSTAL:**

Our next speaker is Lucy Muhlfeld.

**LEG. FOLEY:**

Madam Chair, just let the record reflect that there's a letter from the William Floyd Summit that's also going to be distributed in support of 1471.

**P.O. POSTAL:**

Thank you.

**MS. MUHLFELD:**

Can I just ask you the timing? I've never done this before.

**P.O. POSTAL:**

It's three minutes.

**MR. MUHLFELD:**

But I heard something beeped. Is that a warning that you have a certain amount of time left?

**P.O. POSTAL:**

No. No, that means the three minutes are up.

**MS. MUHLFELD:**

All right. Just wanted to be sure I had knew the rules here. I'm Lucy Muhlfeld from Amagansett. I'm here because I'm very concerned that the family and student programming at Deep Hollow Ranch in Montauk is in jeopardy.

I'm a mother of a 14 year old daughter, who'll be graduating from the East Hampton Middle School, and ten year old triplets at the Amagansett School, all who have had their lives enriched by this programming. I'm also President of the Board of the Children's Museum of the East End, and I believe very, very strongly in the value of interactive learning. I know from experience that there is tremendous value in interactive learning. No one can convince me that a child will

learn more reading about Teddy Roosevelt and the Rough Riders in a paragraph in their Social Studies book than they will by being taken by covered wagon through the hills of Montauk where he was and seeing his whole encampment, getting to meet him, getting to talk to his soldiers, seeing an infirmary, talking to the nurses. That's living history, and that's the kind of history you will never forget. These programs are now in jeopardy.

These are quality meticulously researched programs that have entranced and educated thousands of our young people. And I would imagine some of your children may also have experienced these, because schools from all over the County come to the very end of Long Island to Montauk to go to these programs. And also, young families or all families go during the summer for these programs and senior citizens. I just met a group of senior citizens that had just gone to one of these programs and they could not say enough about it. They were entranced by it. They talked to Native Americans about the experience of the Native Americans in the 1600's. They met Captain Kidd, the Chief Wyandanch. It all came alive for them, and that's something you just can't forget.

I think it would be criminal and a real loss to our children to have these programs taken away, and I urge the Legislature to step up and take the lead in resolving the issues that seem to be facing Deep Hollow Ranch. I urge the Legislature to insist that all parties involved, the Parks Committee of the Legislature, the Parks Department, the Parks Trustees, the Health Department and the concessionaire of Deep Hollow Ranch get together, get in the same room, have a dialogue, discuss the issues and work them out. We always talked as parents to our children about working our problems out. Let's show the children that we also can do this.

At noon today, there's about six school districts coming together to demonstrate in support of Deep Hollow Ranch, and I would just urge the Legislature to show them that you're hearing them and that you're willing to dialogue and work it out. Thank you.

**P.O. POSTAL:**

Thank you. Lorraine Kabacinski. I'm not pronouncing that right, I know I'm not.

**MS. KABACINSKI:**

Kabacinski.

**P.O. POSTAL:**

Kabacinski. Thank you.

**MS. KABACINSKI:**

I hope this doesn't count against my time, but Honorable Paul Tonna is my Legislator. He is in the building. Is there any way he can be present? Otherwise, I'll go on.

**P.O. POSTAL:**

Well, why don't we just have the person -- there's I think one more person who would go --

**MS. KABACINSKI:**

Oh, here he is.

**P.O. POSTAL:**

Oh, he's here.

**LEG. TONNA:**

I'm here, I'm here.

**MS. KABACINSKI:**

Thank you. Thank you.

**LEG. TONNA:**

I was listening in the back, too. I'm sorry, I apologize.

**MS. KABACINSKI:**

On Honorable Tonna's website, I believe this is a quote from him, he says, "Let's break down the voices of hatred and intolerance by affirming the dignity and worth of all human beings. And this is the basic issue. I am a Falen Gong practitioner, and right now, China, led by Jiang Zamin, the former leader of China, has lead a vicious, barbaric, inhumane, absolutely unbelievable persecution of practitioners in China, but he has also instigated persecution everywhere in the world, and I myself have been a victim of this.

I was working at a job at a Chinese medical college on Long Island, and because they wanted to associate with universities in China, they would not put me on the role as a professor, again, in early this year, and that's because they don't want to have any conflict of interest. And, in fact,

when they said they would not put me on the schedule again to teach, they said it was because of, quote-unquote, China. And when I asked them what that meant, they just laughed.

So it's really a very serious issue. It affects people here. We have sent out information about the genocide lawsuit that was filed in Chicago in October of 2002 against Jiang Zamin. And one thing that comes up, we had somebody follow up with phone calls, and sometimes the Legislators or public officials say, "Well, how does this affect me? You're not from my district. How many Falen Gong practitioners are in my district?" And what I'd like to suggest is that because of the persecution, what we want to have everybody know and say, "Well, we're against the persecution." How many people in your district, if they knew about this brutal, absolutely brutal campaign, would they support action against the persecution?

The latest case in China was of a college student, a graduate student in Chung Cheng University who was raped in front of witnesses, and then the Chinese Government's 610 Office that's in charge of this immediately set about covering it up. So this is the other part, they keep covering up what they're doing. And even though there's a lot of information out there on websites, witnesses, etcetera, my own testimonials, it's still going on. So, really, what we're trying to have is people speak out.

So what I'm requesting here is a -- perhaps a resolution by the Legislature just against the persecution. I have samples. There's one now that's being voted on by the New York State Assembly that was put forth by Mark Butler. So in kind, I'm asking or requesting the Legislature to put forth a resolution, and I can give you a sample of that.

**LEG. TONNA:**

I'll talk to you.

**MS. KABACINSKI:**

I really appreciate your time. Just as a brief note, Falen Gong is a peaceful meditation system. It's based on the principles of truthfulness, compassion and tolerance. And the reason why the Chinese Government started the persecution is because in a very short time it became very popular. So we could see why people would want it, but that's the case as it is.

**P.O. POSTAL:**

Thank you.

**MS. KABACINSKI:**

Thank you for your time.

**P.O. POSTAL:**

Our next speaker is a lady we met before, Tara Fries.

**MS. FRIES:**

Good morning. As most of you may not know, my name is Tara Fries. My 12 year old son, Ian, has Krohn's Disease. It has been two weeks since I called on the Suffolk Legislators for help with the fight against the Suffolk County Employee Health Plan's decision to limit my son's internal formula feeding treatment.

I want to thank all the Suffolk County Legislators for all their support, and a special thanks to Presiding Officer Postal, Ivan Young, and Legislator Foley. It is because of you that a binding decision then became a nonbinding decision, whereas a new appeal could be submitted. Unfortunately, the fight is not yet over. Even after it was brought to the Committee's attention that they had either misread or misinterpreted the New York State Insurance Law, Chapter 177, dated 1997, in regard to internal formula feedings. Jeff Tempera stated to me yesterday that there is a cap, that we had not read it right. Amazing, Presiding Officer Postal's Office, an insurance lawyer, many Krohn's advocates and myself have all read it wrong. So I went a step further.

Jeff Tempera also claims that Suffolk County Employees Health Plan mirrors the Empire Plan. I spoke with a representative from New York State Empire Plan and learned that internal formula feeding was not claimed under the prescription plan, since only federally ledgered drugs come under the prescription of expressed scripts. Ironically, the same coordinator that the Employee Medical Health Plan uses. The Empire Plan does cover medically necessary internal formula feedings under the Empire United Care Plan, which absolutely has no cap. The plan even puts you in contact with a medical supplier who delivers the formula directly to your house. This cuts the cost, because it eliminates the pharmacy.

Jeff Tempera has advised me that Ian's case and all the additional information we submitted were sent to the outside medical consultants for a new decision. We will not know what that decision will be until the Committee meets again at the end of July. Please keep in mind these

are the same consultants who misinterpreted the New York State Insurance Law Chapter 177.  
Thank you again for your time and all your support for my 12 year old son.

**P.O. POSTAL:**

Thank you, Miss Fries.

**MS. FRIES:**

Thank you.

**LEG. FOLEY:**

Thank you.

**LEG. VILORIA-FISHER:**

Thank you.

**P.O. POSTAL:**

I have no more cards. Is there anyone else who would like to address the Legislature? Come on up and identify yourself.

**MS. RYAN:**

I filled out a card. I'm Dianne Ryan. And this is an impressive show of power here. I've never -- I'm a little nervous. I've never come before such power.

**P.O. POSTAL:**

Don't be.

**LEG. GULDI:**

Is that sarcasm?

**MS. RYAN:**

No, no, it's --

**LEG. VILORIA-FISHER:**

We have no hubris, we do not claim power.



**LEG. CRECCA:**

All the power is in the Clerk right there.

**MS. RYAN:**

Okay. I've learned that all the power is with the secretary often. I'm an educator and I did my thesis on how to make learning fun. And educators are always challenged on ways to stimulate interests and increase learning, and if you've seen the program at Deep Hollow Ranch you will understand, that's exactly what they're doing. They have put together an amazing interactive program that thousands of children from Babylon to Montauk have successfully learned the rich history of our area. It's a spirited program. It's living history. It's America's oldest cattle ranch. Has anybody here seen it?

**LEG. VILORIA-FISHER:**

Yes.

**MS. RYAN:**

It's a program that's been successful for seven years. Montauk is the birthplace of the American cowboy. They're not from Oregon, they're not from Montana, they're from Montauk. Most people don't even know that. You should see the faces of the children as they learn this living history. They are so excited. The senior citizens, I just saw wagon loads of kids and they were just smiling at watching these cattle -- the animals being worked at this farm. It's a real gift to our children.

And this program, I just learned recently, is being slowly dismantled. Important assets of the program being lost, and there must be a resolution. We need a department, the Parks Committee -- I'm not familiar with all these departments, so I'm stumbling through this, but the important -- the Parks Committee, the Department of Parks, the County's Attorney and the concessionaire is who I was told need to meet together to look for a resolution to keep this wonderful program going. This concessionaire is doing an amazing job of selling our living history.

And I'm new at this, so I don't know now from here forward, do I read about it in the newspaper? Or is there something else that I can do that can help? Or is there a follow-up? I mean, how do I know what decision you make?

**P.O. POSTAL:**

Well, Legislator Fields, who's the Chairperson of the Parks Committee, will speak to you and --

**MS. RYAN:**

Oh, terrific.

**P.O. POSTAL:**

-- tell you some of the ways that you can convey your wishes and tell us why you feel that that's what we should do.

**MS. RYAN:**

Okay. And I will meet with him now?

**LEG. FIELDS:**

Her.

**MS. RYAN:**

Her.

**P.O. POSTAL:**

She's right there.

**MS. RYAN:**

Thank you.

**LEG. FIELDS:**

That would be me.

**MS. RYAN:**

Hi. I'm Dianne.

**P.O. POSTAL:**

Thank you.

**MS. RYAN:**

Oh, wait, one more thing. I brought videos that I would like for you to see of exactly -- it was News Channel 12 did videos.

**LEG. BISHOP:**

We're over three minutes.

**P.O. POSTAL:**

Are you --

**MS. RYAN:**

Should I just leave them here?

**P.O. POSTAL:**

Her three minutes are not up.

**LEG. FIELDS:**

We'll pass them to the Clerk.

**MS. RYAN:**

Okay.

**P.O. POSTAL:**

Are you leaving those with us permanently?

**MS. RYAN:**

I would like to leave them with you permanently, sure.

**P.O. POSTAL:**

Okay. Thank you.

**MS. RYAN:**

I think there's enough.

**P.O. POSTAL:**

Thank you. I have no more cards. Is there anyone who would like to address the Legislature?  
Hearing no one, we're going --

**MR. GOLDSTEIN:**

Since the public --

**P.O. POSTAL:**

Mr. Cricket?

**MR. GOLDSTEIN:**

-- portion has not ended, may I finish my statement?

**P.O. POSTAL:**

No.

**MR. GOLDSTEIN:**

Because others have extended their statements beyond the end of the time.

**P.O. POSTAL:**

No, you may not. We're going to take a recess.

**LEG. BISHOP:**

No. Why?

**P.O. POSTAL:**

Because I said so. Didn't your mother ever tell you that when you said why? She said,  
"Because I said so." That's a parent line. We're going to take a recess until 11 a.m.

**D.P.O. CARACAPPA:**

Why?

**P.O. POSTAL:**

Until 11 a.m. We're -- well, we're waiting for the veto messages and we need to have a caucus.

**D.P.O. CARACAPPA:**

Okay.

**LEG. BISHOP:**

All right.

**RESOLUTIONS TABLED TO JUNE 24, 2003**

**P.O. POSTAL:**

All Legislators, please come to the horseshoe, now. Okay. Let's turn to resolutions tabled to June 24th. 1585.

**LEG. VILORIA-FISHER:**

Do we have a quorum?

**P.O. POSTAL:**

We will as soon as they hear us. I assume they'll be smart enough to realize there are votes being taken.

**1585 - Authorizing waiver of interest and penalties for property tax for Joseph Bryan and Marie Bryan. Assigned to Ways and Means.**

**LEG. BINDER:**

Motion to table. You have to table this.

**LEG. BISHOP:**

Motion to table.

**D.P.O. CARACAPPA:**

You still have to table it.

**LEG. BISHOP:**

Lawsuit's still on.

**LEG. BINDER:**

You still have the same problem.

**LEG. VILORIA-FISHER:**

Second. Why -- wait. Why is there a motion?

**P.O. POSTAL:**

Okay. There's a motion to table --

**LEG. VILORIA-FISHER:**

Just denote why.

**LEG. BINDER:**

The court, the court case.

**P.O. POSTAL:**

-- by Legislator Binder, seconded by Legislator --

**LEG. FOLEY:**

Where are we?

**P.O. POSTAL:**

We're on your resolution, 1585, which has had a motion to table based on the fact that the court has not heard the case.

**MS. BURKHARDT:**

Page 7.

**P.O. POSTAL:**

Page 7. And seconded by Legislator Tonna. All in favor? Opposed? 1585 is tabled. (Vote: 17)

**LEG. BISHOP:**

Same motion, same second, same vote.

**P.O. POSTAL:**

Same motion, same second, same -- what?

**LEG. TONNA:**

2252.

**LEG. BISHOP:**

It's mine, I'm saying.

**P.O. POSTAL:**

Okay. Same motion, same second, same vote.

**LEG. BINDER:**

Same motion, same second, same vote.

**LEG. TONNA:**

Same second, same vote, 2256.

**P.O. POSTAL:**

Very good. Same motion, same second, same vote on **2256 (To authorize and empower the audit of the Suffolk County Pharmacy Benefits Manager).**

**(Vote: 17)**

**1079 - (Adopting Local Law No - 2003, a Charter Law in connection with subpoena power).**

**LEG. CARPENTER:**

Same motion, same second.

**LEG. GULDI:**

Motion to approve.

**P.O. POSTAL:**

Motion to approve.

**LEG. ALDEN:**

Motion to table.

**P.O. POSTAL:**

Second.

**LEG. CRECCA:**

Second on the motion to table.

**P.O. POSTAL:**

There's a motion to table by Legislator Alden. Was that what I heard, Cameron?

**LEG. ALDEN:**

Motion to table.

**P.O. POSTAL:**

Second by Legislator Crecca. On the motion to table, roll call.

**(Roll Called by Mr. Barton, Clerk)**

**LEG. ALDEN:**

Yes, to table.

**LEG. CRECCA:**

Yes.

**LEG. COOPER:**

Pass.

**LEG. TONNA:**

To table, yes.

**LEG. BINDER:**

No.



**LEG. BISHOP:**

No.

**LEG. NOWICK:**

Yes.

**LEG. CARPENTER:**

Yes.

**LEG. FIELDS:**

Yes -- no, change my vote to a no.

**LEG. LINDSAY:**

Pass.

**LEG. FOLEY:**

No, to table.

**LEG. HALEY:**

(Not Present)

**LEG. FISHER:**

Pass.

**LEG. GULDI:**

No, to table.

**LEG. CARACCIOLO:**

Nope.

**D.P.O. CARACAPPA:**

No.

**P.O. POSTAL:**

No, no.

**LEG. COOPER:**

No, to table.

**LEG. LINDSAY:**

Yes.

**LEG. VILORIA-FISHER:**

No.

**MR. BARTON:**

Six. (Not Present: Leg. Haley)

**P.O. POSTAL:**

Motion to table failed. Motion to approve. Would you like to second?

**LEG. CRECCA:**

On the motion.

**LEG. CARACCIOLO:**

Second.

**P.O. POSTAL:**

Seconded by Legislator Caracciolo. On the motion.

**LEG. BINDER:**

On the motion. All right.

**P.O. POSTAL:**

Roll call.

**LEG. CRECCA:**

I asked to be heard on the motion.

**P.O. POSTAL:**

Oh, I'm sorry. Go ahead.

**LEG. CRECCA:**

I'll just be brief. But, you know, right now we have subpoena power, it has to come before the full Legislature. There's no need to give it directly to a committee, because it should -- it is a power that we should use with great caution, and the reality is it can be done by procedural motion. So the argument that it could be done quicker by giving it to Committee Chairs is really not a valid argument, because it can be done at the very next meeting of the Legislature, so you never miss a cycle involved in the process.

I don't want to give what I consider to be significant power to in some cases four people that sit on a committee. And understand, when they issue a subpoena, that subpoena is going to -- it could be for purposes that we don't like. I'll give you a perfect example. If there is a Presiding Officer who is appointing committees, and it's not directed at this Presiding Officer or any former Presiding Officer, but we could have a very political Presiding Officer who wants to do, you know -- who appoints committees that are slanted or politically motivated and those subpoenas can follow as a result of that. That's why I think it is important that it be aired out in front of the full Legislature at a meeting before we issue subpoenas. And I think we should all think about that before we vote.

**P.O. POSTAL:**

Okay. We have a motion and a second to approve?

**MR. BARTON:**

Yes.

**P.O. POSTAL:**

Roll call.

**LEG. CARACCILO:**

On the motion.

**P.O. POSTAL:**

Oh.

**LEG. CARACCILO:**

On the motion.

**P.O. POSTAL:**

On the -- Legislator Guldi, followed by Legislator Caracciolo.

**LEG. GULDI:**

Yeah. Frankly, the subpoena power is an effort to get people to testify before the Legislature and tell the truth. The truth isn't a dangerous thing. The fact that committee chairmen could ask people to appear before them and to testify is not a dangerous thing.

**LEG. CRECCA:**

It's not asking them.

**LEG. GULDI:**

The fact that we have had occasions where people have refused to come before the Legislature and it has taken several months to get to the point where the subpoenas are issued and honored is a problem. The purpose of this legislation is to reverse that practice, to permit the vote of the committee, which, frankly, the majority of the committees is not subject to the kind of abuse that was suggested by political motivation, and to get to the truth quickly. We're a Legislative body to the extent that we need the truth before us. I urge you to support this bill.

**P.O. POSTAL:**

Legislator Caracciolo.

**LEG. CARACCILO:**

Thank you.

**LEG. BINDER:**

Madam Chair.

**P.O. POSTAL:**

And then Legislator Binder.

**LEG. CARPENTER:**

And Carpenter.

**P.O. POSTAL:**

And Legislator Carpenter.

**LEG. CARACCIOLO:**

The point that was just made by Legislator Guldi, particularly the last point about Legislative bodies having this authority when it's needed, is one that is time honored in our Legislative bodies throughout the nation, right here in our own state, the City Council of New York City. And as he pointed out, sometimes getting to the truth bothers a lot of people, but you know what, Ladies and Gentlemen, that's what we're elected to do. And if you want to shun from your responsibilities, then don't run for office, don't run for re-election. And as my colleagues know, going back to LIPA and other major issues, I've been a strong proponent of subpoena power. And EMHP, I think it was a few months ago, Legislator Crecca requested authority for that purpose. Counsel, just refresh my memory on the EMHP.

**MR. SABATINO:**

Yes, we ultimately passed a resolution delegating the authority to the relevant Finance Committee.

**LEG. CARACCIOLO:**

And I believe that was Legislator Crecca's resolution, and it was a sound proposal, and I think this follows in those footsteps. I urge your approval.

**P.O. POSTAL:**

Legislator Binder.

**LEG. BINDER:**

I don't think anybody would be shirking their responsibility as a Legislator if they didn't vote for this. Of course, we want to get to the truth. And as is just brought out by a proponent of this, that Legislator Crecca used it effectively. Before that, we've used it in the car leasing question and other times we've used it. I've been here 14 years and it's always been used judiciously.

Getting to the truth, it's easy, it sounds wonderful, let's just get to the truth, except that there are different ways to get to the truth. And subpoena power is a very powerful way to maybe

even go beyond the truth, maybe to harassment, because subpoena power compels someone to do things beyond just coming and talking, it gives government the ability to put a vise on someone. And one of the things that this Legislature has always done is it's used the full body as a check on something as powerful as subpoena power. We've used the full body, Republican and Democrat.

Committees will be set up by Presiding Officers. Now, if we're going to set up committees democratically here, and we're going to kind of put them together and they're going to reflect the whole body and they're going to always be what we all want, then maybe we've got an opportunity to use that, because committees would reflect the whole body. But we have Presiding Officers who can all by themselves decide what the character of a committee is. And you may like it today, the Committee Chairmen who are sitting and that they can do subpoena power, that they have this ability, but you might not like it tomorrow when you're on the back end of it, when you don't like who the Presiding Officer is who created committees who you're not happy with. And if you're not happy with those committees, then you can see investigations and compelling of people who you think are wrong, but there's nothing you could do about it and there was never a check on power.

One of the beautiful things about this body is, though we're a unicameral house, we don't have anybody to check us on legislation, there's no comparing it, we've been careful, particularly with our power, and we've never been seen as bullying our way. And so one of the things we have is a check. So, if it takes another month, as it took Legislator Crecca, to come to the Legislature and air it before all of us, it is absolutely right to do it. It would be absolutely wrong, completely wrong, a dangerous and very bad precedent for this body to do, to pass a subpoena power who would allow a smaller committee that might not reflect the body to have that kind of awesome power.

### **P.O. POSTAL:**

Legislator Carpenter.

### **LEG. CARPENTER:**

Thank you. To the comment made about abdicating our responsibilities or not living up or fulfilling our responsibilities, I think each Legislator, their authority or responsibility is diminished if they're not voting on this particular issue of subpoena power. I do not think it should be placed in the hands of any particular committee chairman without the full Legislature's

knowledge, and, you know, voting on it.

We know full well, anyone who's been here any length of time, that committee membership can change at any given time just on a memo issued by the Presiding Officer. And with the exception of one person in the past, I would say -- well, maybe two, I have known, especially the last few years, and now the Presiding Officers have been very even-handed and that hasn't taken place, but there have been times in my tenure when I have seen Presiding Officers absolutely abuse the privilege of their office and change committee structures just to suit their purposes. And I just think that this is too important an issue that should -- that needs to remain within the power and the purview of the entire body.

**P.O. POSTAL:**

Legislator Crecca.

**LEG. CRECCA:**

Just remember, this bill does not suspend subpoena power, we still have subpoena power, and the process is just as quick. For some reason, this was originally introduced with the argument that it would speed up the process. It doesn't speed up the process at all. Again, it's done by procedural motion. The committee cycle is the same exact cycle as our meeting schedules, so there's no delay if you do it by procedural motion before the full body. And if a committee chair wants to get to the truth, they should have the ability to go to the body and be able to make their case for that power, not have to do it within the individual committee.

**P.O. POSTAL:**

Okay. There's a motion and a second to approve. Roll call.

**LEG. TONNA:**

I'm a no.

**(Roll Called by Mr. Barton, Clerk)**

**LEG. GULDI:**

Yes.

**LEG. CARACCILO:**

Yes.

**LEG. COOPER:**

Pass.

**LEG. TONNA:**

No.

**LEG. BINDER:**

No.

**LEG. BISHOP:**

Yes.

**LEG. NOWICK:**

No.

**LEG. CRECCA:**

No.

**LEG. CARPENTER:**

No.

**LEG. ALDEN:**

Nope.

**LEG. FIELDS:**

Yes.

**LEG. LINDSAY:**

No.

**LEG. FOLEY:**

Yes.



**LEG. HALEY:**

No.

**LEG. VILORIA-FISHER:**

Yes.

**D.P.O. CARACAPPA:**

No.

**P.O. POSTAL:**

Yes.

**LEG. COOPER:**

No.

**MR. BARTON:**

Seven.

**P.O. POSTAL:**

1079 fails. **1143 (Adopting Local Law No - 2003, a Local Law to establish Hospital Reporting Policy for indigent care in Suffolk County).**

**LEG. FOLEY:**

Motion to table.

**LEG. VILORIA-FISHER:**

Second.

**P.O. POSTAL:**

Motion to table by Legislator Foley, seconded by Legislator Viloría-Fisher. All in favor?  
Opposed? 1143 is tabled.

**MR. BARTON:**

17.

**P.O. POSTAL:**

**1210 - To amend the Living Wage Law for transition to full implementation.** Legislator Bishop?

**LEG. BISHOP:**

Motion to approve.

**LEG. VILORIA-FISHER:**

Second.

**P.O. POSTAL:**

Motion to approve --

**LEG. CARACCILO:**

Explanation.

**P.O. POSTAL:**

-- by Legislator Bishop, seconded by Legislator Viloría-Fisher. David.

**LEG. CARACCILO:**

Explanation.

**LEG. BISHOP:**

I'll give the explanation.

**P.O. POSTAL:**

Yeah, you're going to have an explanation. Go ahead, David.

**LEG. BISHOP:**

It's to set the living wage for the child care industry in the near term at \$9 an hour and compensation with a floor of 7.75 for wage and a dollar and a quarter for potential benefits. So the total compensation package for a living wage worker, child care worker for the next two years would be \$9 an hour. It could all be in wage. It could be a portion in benefit, but at no point can the wage portion be less than 7.75. The reason for this is that the child care industry, unfortunately, has a very depressed wage scale, and so it has petitioned us to phase in the living

wage law with regard to them.

I just want to say that the living wage law is an enormously complicated endeavor, but it has been a successful endeavor. There have been hundreds of workers who have had their wages brought up as a result of it. And so I apologize to my colleagues, because there's going to be more of these resolutions as we move forward. It's a difficult area in which to legislate, but I think, ultimately, by sticking with it, we're doing the right thing and we are helping people. And so this is an attempt to try to balance the industry and our own fiscal position, and to bring workers' wages up, which would occur in child care if we pass this.

**LEG. CARACCILO:**

Madam Chair.

**P.O. POSTAL:**

Legislator Caracciolo.

**LEG. CARACCILO:**

Thank you. Dave, how does this differ from the living wage legislation that's been in effect now two years in terms of the scale or the payroll.

**LEG. BISHOP:**

It's a dollar and a quarter less.

**LEG. CARACCILO:**

Dollar and a quarter less, okay. And under that formula, it's a total package of 10.50 wage and health care benefits?

**LEG. VILORIA-FISHER:**

10.25.

**LEG. CARACCILO:**

10.25?

**LEG. BISHOP:**

No, it's -- yeah, ten and a quarter.

**LEG. VILORIA-FISHER:**

It's ten and a quarter, yeah.

**LEG. CARACCILO:**

Ten-twenty-five, okay.

**LEG. BISHOP:**

Right.

**LEG. CARACCILO:**

Okay.

**LEG. BISHOP:**

For the other industries, it's --

**LEG. CARACCILO:**

Okay.

**P.O. POSTAL:**

Okay. We have a motion and a second, Henry?

**MR. BARTON:**

Yes.

**P.O. POSTAL:**

All in favor? Opposed?

**LEG. BINDER:**

Opposed.

**P.O. POSTAL:**

Legislator Binder.

**MR. BARTON:**

16.

**P.O. POSTAL:**

Okay. 1210 is approved. **1294 (Designation day to acknowledge contributions of members of Armed Forces serving in Iraqi Freedom War).**

**LEG. CARACCILO:**

Motion to table.

**LEG. GULDI:**

Second.

**P.O. POSTAL:**

Motion to table, did you say?

**LEG. CARACCILO:**

Yes.

**P.O. POSTAL:**

Motion to table, Legislator Caracciolo, seconded by -- who was the second?

**MR. BARTON:**

Guldi.

**P.O. POSTAL:**

Legislator Guldi. All in favor? Opposed?

**LEG. BINDER:**

Opposed.

**LEG. CARACCILO:**

Same motion.

**P.O. POSTAL:**

Opposed, Legislator Binder.

**LEG. CARACCILO:**

Same motion on 1357.

**(1357 - Directing Office of Budget Review to audit legislative vehicles)**

**MR. BARTON:**

16.

**LEG. HALEY:**

Second.

**P.O. POSTAL:**

Same motion, same second, same vote on 57?

**LEG. CARACCILO:**

Yeah.

**P.O. POSTAL:**

Thank you.

**MR. BARTON:**

16.

**INTRODUCTORY RESOLUTIONS FOR THE JUNE 24, 2003**

**MEETING OF THE SUFFOLK COUNTY LEGISLATURE**

-

**ENVIRONMENT, LAND ACQUISITION AND PLANNING**

**P.O. POSTAL:**

Okay. We're going to move to Introductory Resolutions. Environment, Land Acquisition and Planning. Remember, you have a copy on your copy of the agenda, you have the committee report. I'm going to read the number only. **1067 (Amending the 2003 Operating Budget to**

**transfer funds form the Suffolk County Water Protection Fund (477) Reserve Fund to the Department of Health Services for the preparation of the Suffolk County Vector Control and Wetlands Management Long Term Plan and Environmental Impact Statement (EIS) and creating Positions in the Departments of Health Services and Public Works.**

**LEG. CARACCILO:**

Motion to approve.

**P.O. POSTAL:**

Motion to approve by Legislator Caracciolo.

**LEG. FOLEY:**

Second.

**P.O. POSTAL:**

Second by Legislator Foley. All in favor? Opposed?

**MR. BARTON:**

17.

**LEG. BISHOP:**

I think that the Environment Committee should be listed as cosponsors, because this resolution did go under significant change, if they want to join me.

**P.O. POSTAL:**

1067 was approved.

**LEG. BISHOP:**

So I'd like to be.

**P.O. POSTAL:**

I think that's -- you have that, Henry, the entire Environment?

**MR. BARTON:**

Yes.

**P.O. POSTAL:**

Okay. **1204 (Authorizing land acquisition under pay-as-you-go 1/4% Taxpayer Protection Program (land of Peat Hole Pond property, Town of Brookhaven, Suffolk County Tax Map No. 0202-011.00-0300-009.000)).**

**LEG. FOLEY:**

Madam Chair, motion to table.

**P.O. POSTAL:**

Motion to table by Legislator Foley. Seconded --

**LEG. FIELDS:**

I'll second.

**P.O. POSTAL:**

-- by myself. All in -- by Legislator Fields. All in favor? Opposed? 1204 is tabled.

**MR. BARTON:**

17.

**P.O. POSTAL:**

**1222 (Establishing Task Force for Agricultural Environmental Management in Suffolk County).**

**LEG. VILORIA-FISHER:**

Motion to approve.

**P.O. POSTAL:**

Motion to approve by Legislator Viloría-Fisher. Second?

**LEG. FOLEY:**

Second.



**LEG. CARACCILO:**

On the motion.

**P.O. POSTAL:**

Legislator Foley. On the motion, Legislator Caracciolo.

**LEG. CARACCILO:**

Vivian, on this Task Force composition, it does now include representatives of the Long Island Farm Bureau.

**LEG. VILORIA-FISHER:**

Yes, actually. And I spoke with Joe Gergela yesterday. He is on board with it. Of course, it does have people from the Farm Bureau --

**LEG. CARACCILO:**

Okay.

**LEG. VILORIA-FISHER:**

-- as part of the makeup.

**LEG. CARACCILO:**

Okay. So they support it, the Farm Bureau supports it?

**LEG. VILORIA-FISHER:**

Yes.

**LEG. CARACCILO:**

Okay.

**P.O. POSTAL:**

Okay. All in favor? Opposed?

**MR. BARTON:**

17.

**P.O. POSTAL:**

1222 is approved. **1312 (Making a SEQRA determination in connection with the proposed renovations to County Building #50, CP 1765, Hauppauge, Town of Smithtown).**

**LEG. BISHOP:**

Motion.

**LEG. GULDI:**

Second.

**P.O. POSTAL:**

Motion by Legislator Bishop, seconded by Legislator Caracappa. All in favor? Opposed?

**MR. BARTON:**

17.

**P.O. POSTAL:**

1312 is approved.

**LEG. BISHOP:**

Same motion.

**P.O. POSTAL:**

**1313 (Making a SEQRA determination in connection with the proposed improvements to County Center,C -001, CP 1643, Riverhead, Town of Southampton).** Same motion, same second, same vote.

**MR. BARTON:**

17.

**P.O. POSTAL:**

**1391 (Amending the 2003 Capital Budget and Program and appropriating funds in**

**connection with the purchase of Environmental Health Laboratory Equipment (CP 4079).** Approved --

**LEG. CARACCILO:**

Motion.

**P.O. POSTAL:**

-- 4-1-0-1.

**LEG. CARACCILO:**

Motion.

**P.O. POSTAL:**

Motion by Legislator Caracciolo, seconded by Legislator Bishop.

**LEG. BISHOP:**

No, no.

**P.O. POSTAL:**

Roll call.

**LEG. BISHOP:**

I think I was the one against.

**P.O. POSTAL:**

No, no?

**LEG. ALDEN:**

Just on the motion.

**P.O. POSTAL:**

Did you say no? I'm sorry.

**LEG. BISHOP:**

I did.

**LEG. ALDEN:**

On the motion.

**LEG. GULDI:**

I'll second.

**P.O. POSTAL:**

Wait. David?

**LEG. BISHOP:**

Yes, I'm not -- no.

**P.O. POSTAL:**

You're not the second.

**LEG. BISHOP:**

Right.

**LEG. GULDI:**

Second.

**P.O. POSTAL:**

Seconded by Legislator Alden.

**LEG. ALDEN:**

No.

**P.O. POSTAL:**

No. Nobody wants to second this.

**LEG. VILORIA-FISHER:**

I'll second it.

**LEG. GULDI:**

I'll second it.

**LEG. VILORIA-FISHER:**

Over here, us.

**P.O. POSTAL:**

Thank you, Legislator Guldi, I'm very grateful for your second. Legislator Alden has a question.

**LEG. ALDEN:**

Paul, this is changing the funding from pay-as-you-go to the Capital Program, so it's going to require --

**MR. SABATINO:**

Correct, it requires three-quarters vote.

**P.O. POSTAL:**

Okay. We have a --

**LEG. ALDEN:**

Okay.

**P.O. POSTAL:**

I'm sorry.

**LEG. ALDEN:**

Can somebody from the Committee tell me, then, why this was changed?

**D.P.O. CARACAPPA:**

No pay-as-you-go money.

**LEG. ALDEN:**

If this is just regular equipment --

**LEG. BISHOP:**

Why it was --

**LEG. VILORIA-FISHER:**

I think it's because they ran out of money, Cameron.

**LEG. BISHOP:**

They ran out of money in the pay-as-you-go.

**LEG. VILORIA-FISHER:**

In pay-as-you-go program.

**LEG. GULDI:**

Pay-as-you-go is flat.

**LEG. ALDEN:**

Okay. So we -- this was regularly scheduled replacement type of equipment that we had in the budget. We spent the money for other things, add-ons and things like that, and now we have to go and change this to put in the Capital Program?

**LEG. BISHOP:**

Correct.

**LEG. ALDEN:**

Okay.

**LEG. BISHOP:**

That's why I voted against it.

**LEG. GULDI:**

If I may.

**P.O. POSTAL:**

Okay.

**LEG. CARACCILOLO:**

No, no, no, let Paul.

**P.O. POSTAL:**

No?

**LEG. ALDEN:**

I'm done. I'm done.

**LEG. GULDI:**

Yeah, if I may.

**P.O. POSTAL:**

Mr. Sabatino.

**MR. SABATINO:**

What happened was you only put \$900,000 of pay-as-you-go money into the Year 2003. It's not as though you put 9 million in and transferred the 9 million someplace else, you only had 900,000 to begin with. Then you issued a one-year waiver extension on the 5-25-5 law to make these kinds of projects eligible.

**LEG. GULDI:**

Right.

**P.O. POSTAL:**

Okay.

**LEG. CARACCILOLO:**

Madam Chair.

**P.O. POSTAL:**

Legislator Caracciolo.

**LEG. CARACCILOLO:**

Even though this will be financed at today's very favorably low financed dollars, we're looking at about \$3,000 in interest costs or, about \$6,000, I'm sorry. It's not a lot of money.

**P.O. POSTAL:**

Okay. We have a motion and a second, I believe, right, Henry?

**MR. BARTON:**

Yes.

**P.O. POSTAL:**

All in favor?

**MR. BARTON:**

It's a bond.

**P.O. POSTAL:**

No, it's a roll call.

**(Roll Called by Mr. Barton, Clerk).**

**LEG. CARACCIOLO:**

Yes.

**LEG. GULDI:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. TONNA:**

No.

**LEG. BINDER:**

Yes.



**LEG. BISHOP:**

No.

**LEG. NOWICK:**

Yes.

**LEG. CRECCA:**

Yes.

**LEG. CARPENTER:**

Yes.

**LEG. ALDEN:**

Nope.

**LEG. FIELDS:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. HALEY:**

Yes.

**LEG. VILORIA-FISHER:**

Yes.

**D.P.O. CARACAPPA:**

No.

**P.O. POSTAL:**

Yes.

**LEG. BISHOP:**

Is that three-quarters?

**MR. BARTON:**

Thirteen.

**LEG. BISHOP:**

No.

**LEG. BINDER:**

It fails.

**P.O. POSTAL:**

Thirteen?

**MR. SABATINO:**

It fails.

**LEG. BISHOP:**

Motion to table.

**LEG. GULDI:**

Motion to reconsider.

**LEG. BISHOP:**

It's already called. It fails.

**P.O. POSTAL:**

All right. Motion to table by -- there's a motion to reconsider by Legislator Guldi.

**LEG. GULDI:**

Motion to reconsider and table.

**P.O. POSTAL:**

And table. I'll second that. Roll call.

**LEG. GULDI:**

Why?

**P.O. POSTAL:**

Probably we can do just "all in favor".

**LEG. VILORIA-FISHER:**

Right.

**P.O. POSTAL:**

Right?

**LEG. GULDI:**

Right.

**LEG. VILORIA-FISHER:**

Yeah, it's just a tabling.

**P.O. POSTAL:**

Okay. All in favor? It's to reconsider and table.

**MR. BARTON:**

Any opposed?

**LEG. ALDEN:**

Opposed.

**LEG. CRECCA:**

I'm opposed.

**P.O. POSTAL:**

Crecca, Alden. Did you say you were opposed, Marty?

**LEG. HALEY:**

I'm sorry.

**MR. BARTON:**

15.

**P.O. POSTAL:**

Did you say --

**LEG. BISHOP:**

It's called. It's called. It doesn't matter.

**P.O. POSTAL:**

No. It was called? Okay. All right. 1391 is tabled. **1393 (Amending the 2003 Capital Budget and Program and appropriating funds in connection with the purchase of Environmental Health Laboratory Equipment (CP 4079)).**

**LEG. FOLEY:**

Motion.

**P.O. POSTAL:**

Motion by Legislator Foley, seconded by Legislator Haley.

**LEG. FOLEY:**

On the motion.

**P.O. POSTAL:**

Okay.

**LEG. FOLEY:**

Is this is the same difference --

**LEG. VILORIA-FISHER:**

This is the same type of issue.

**LEG. FOLEY:**

Even though some may have concern about the difference in funding, if we could hear from the Budget Review Office, particularly with the lower interest rates, it's really going to be a de minimus difference. And we really need to keep this -- we really need to keep this program going on an annual basis. Whether it's the Peconic Bay System or the Great South Bay and other areas on the North Shore, the fact of the matter is the brown tide in our marine waters is, unfortunately, an ongoing concern and an issue. And I would hope that we would be able to fund the program, so they can continue for the year.

**LEG. CRECCA:**

Would you yield to me?

**LEG. FOLEY:**

Sure.

**P.O. POSTAL:**

Well, Legislator Alden has the floor and you can -- I can recognize you after that.

**LEG. ALDEN:**

I'll yield to you.

**LEG. CRECCA:**

Thanks. I just want to point out, this is different than the last bill in the sense that this does not have a fiscal impact. And because it was included -- the transfer from bonding money to -- I'm sorry, from pay-as-you-go to bonding was already included in the 2003 budget. So I just wanted to point that out. There's a difference here.

**LEG. BISHOP:**

And that's why I support it in committee.

**LEG. FOLEY:**

Thank you, Legislator Crecca.

**LEG. BISHOP:**

If you'll note, I didn't support the last one.

**P.O. POSTAL:**

Legislator Alden.

**LEG. ALDEN:**

I have a question of Budget Review. Is this in addition to money that we give to Cornell to study the brown tide?

**MR. SPERO:**

Yes, it is.

**LEG. ALDEN:**

So how much do we -- you might not have the exact number, but --

**LEG. ALDEN:**

I don't know how much Cornell spends on brown tide activities, but this is money that would be used by the Health Department to fund various studies. Usually they're done by Stony Brook University.

**LEG. ALDEN:**

So we're going to fund Stony Brook and Cornell to do a study of the same thing.

**MR. SPERO:**

Right.

**LEG. ALDEN:**

Okay. Thanks.

**P.O. POSTAL:**

Okay. Roll call.

**LEG. FOLEY:**

It's not redundant, it's complimentary.

**P.O. POSTAL:**

Roll call.

**(Roll Called by Mr. Barton, Clerk)**

**LEG. FOLEY:**

Yes.

**LEG. HALEY:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. TONNA:**

Yes.

**LEG. BINDER:**

Yes.

**LEG. BISHOP:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. CRECCA:**

Yes.

**LEG. CARPENTER:**

Yes.

**LEG. ALDEN:**

Abstain.

**LEG. FIELDS:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. VILORIA-FISHER:**

Yes.

**LEG. GULDI:**

Yes.

**LEG. CARACCILO:**

Yes.

**D.P.O. CARACAPPA:**

Yep.

**P.O. POSTAL:**

Yes.

**LEG. ALDEN:**

Make it a no, Henry.

**MR. BARTON:**

16-1.

**P.O. POSTAL:**

Same motion, same second, same vote. **1414 (Authorizing planning steps for Greenways Program in connection with the acquisition of farmland development rights at Calverton (Town of Riverhead)).**

**LEG. CARACCILO:**

Motion.

**LEG. GULDI:**



Second.

**P.O. POSTAL:**

Motion, was that Legislator Caracciolo? Seconded by Legislator Guldi. All in favor?

**LEG. BINDER:**

On this, Madam Chair.

**P.O. POSTAL:**

Legislator Binder.

**LEG. BINDER:**

Yeah. Can I -- I'm wondering why there's two people who voted no. I'm curious if those two people want to give their reason for their no votes in committee?

**P.O. POSTAL:**

You're talking about 1393.

**LEG. BINDER:**

1414.

**P.O. POSTAL:**

Oh, okay. Oh, in committee, you mean.

**LEG. BINDER:**

In committee --

**P.O. POSTAL:**

Oh.

**LEG. BINDER:**

-- there were two no votes. I'm -- I don't know who they were.

**P.O. POSTAL:**

Well, if either of those individuals would care to respond to Legislator Binder.

**LEG. BINDER:**

What the problem might be with this that people voted no on this.

**LEG. GULDI:**

It's Mike's bill, that's enough.

**LEG. BINDER:**

Could you explain it, Counsel.

**D.P.O. CARACAPPA:**

That's all it is.

**LEG. FOLEY:**

That's an automatic two.

**LEG. HALEY:**

I was just going to say why. It was Mike's bill.

**MR. SABATINO:**

Just time out.

**P.O. POSTAL:**

Okay.

**MR. SABATINO:**

Time out. My records show that it was tabled in committee, and a three-two vote wouldn't get it out of committee anyway, because it would take four votes. So I think there's an error.

**LEG. BINDER:**

Okay. So probably it shouldn't be there.

**MR. SABATINO:**

My records show it was tabled in committee, because the committee wanted to hear from the Farmland Advisory Committee.

**LEG. BINDER:**

Right.

**P.O. POSTAL:**

All right.

**LEG. BINDER:**

Three out of six is not a majority.

**LEG. CARACCIOLO:**

Madam Chair, is a motion to discharge in order?

**LEG. FOLEY:**

No.

**D.P.O. CARACAPPA:**

We have to distribute it.

**P.O. POSTAL:**

Yeah. I think you need 12, though.

**LEG. FOLEY:**

You've got to distribute the bill and all the rest?

**P.O. POSTAL:**

Am I right?

**LEG. CARACCIOLO:**

All right. We'll do it next time. No rush.

**P.O. POSTAL:**

Okay.

**LEG. CARACCIOLO:**

No rush.

**LEG. VILORIA-FISHER:**

May I answer?

**P.O. POSTAL:**

Just make a motion to table it.

**LEG. CARACCIOLO:**

Motion to table.

**LEG. VILORIA-FISHER:**

May I answer Legislator Binder's question?

**D.P.O. CARACAPPA:**

It's moot.

**LEG. FOLEY:**

It's in committee.

**LEG. VILORIA-FISHER:**

No? Okay.

**P.O. POSTAL:**

Okay. There's a motion to table and a second.

**LEG. FOLEY:**

No, no, no, no. It's in committee.

**P.O. POSTAL:**

You can't?

**MR. SABATINO:**

It's not --

**P.O. POSTAL:**

Oh, because it's still in --

**LEG. BISHOP:**

Just skip it.

**P.O. POSTAL:**

It has to stay in committee.

**LEG. BISHOP:**

Just skip it. It's tabled effectively.

**P.O. POSTAL:**

It actually -- there's no action necessary.

**MR. SABATINO:**

Right. It was tabled in committee.

**P.O. POSTAL:**

This should be in committee.

**MR. SABATINO:**

Right, right.

**LEG. FOLEY:**

Let's go.

**LEG. VILORIA-FISHER:**

It was a mistake.

**P.O. POSTAL:**

Okay. Let's see. **1437 (Amending the 2003 Capital Budget and Program and appropriating funds in connection with the Peconic Bay Estuary Program. (CP8235)).**  
Motion by anyone?

**LEG. GULDI:**

Motion.

**LEG. VILORIA-FISHER:**

Second.

**P.O. POSTAL:**

Legislator Guldi, seconded by Legislator Viloría-Fisher. Roll call.

**(Roll Called by Mr. Barton, Clerk)**

**LEG. GULDI:**

Yes.

**LEG. VILORIA-FISHER:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. TONNA:**

Yes.

**LEG. BINDER:**

Yes.

**LEG. BISHOP:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. CRECCA:**

Pass.

**LEG. CARPENTER:**

Yes.

**LEG. ALDEN:**

Abstain.

**LEG. FIELDS:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. HALEY:**

Yes.

**LEG. CARACCILO:**

Yes.

**D.P.O. CARACAPPA:**

Yes.

**P.O. POSTAL:**

Yes.

**LEG. CRECCA:**

Yes.

**MR. BARTON:**

16, 1 abstention.

**P.O. POSTAL:**

Same motion, same second, same vote. **1451 (Authorizing the County Executive to solicit**

**offers for the sale of development rights in agricultural lands to the County of Suffolk).** It was approved, as you see. And do we have a motion?

**LEG. CARPENTER:**

Explanation.

**LEG. BISHOP:**

Motion. This is what they call --

**P.O. POSTAL:**

Explanation.

**LEG. FOLEY:**

Second. Second the motion for purposes of explanation.

**P.O. POSTAL:**

David.

**LEG. BISHOP:**

This is what they referred to as the dutch auction.

**LEG. CARPENTER:**

Yes, I know that. I wanted an explanation.

**LEG. BISHOP:**

So the explanation was that the Farmland Development Program -- Preservation Program has a lot of resources dedicated to it, but few consummated deals at this point, relatively. And so the idea here was to change the dynamic and to ask the farmers to name their price and to see if we are willing to meet that price. So it doesn't commit us to anything, except to solicit offers, and it's just a way to try to jump start the program.

**LEG. FOLEY:**

Proactive.

**P.O. POSTAL:**



Anybody else? I just think that it might make a lot of sense to do this with other land acquisition and preservations programs, because we are moving so slowly at acquiring and preserving just about anything in this County that I think that there really needs to be some method to jump start every aspect of land preservation. All in favor? Opposed?

**MR. BARTON:**

17.

**P.O. POSTAL:**

1451 is approved. **1464 (Making a SEQRA determination in connection with the proposed replacement/construction of sidewalk on CR 85, Montauk Highway from the vicinity of Lincoln Avenue to the vicinity of Greeley Avenue and on CR 65, Middle Road from Collins Avenue to CR 85, Montauk Highway, (CP 5497), Town of Islip).** Approved 5-0-0-1. Motion by Legislator Bishop.

**LEG. BISHOP:**

Yeah.

**P.O. POSTAL:**

Seconded by Legislator Haley. All in favor? Opposed?

**MR. BARTON:**

17.

**P.O. POSTAL:**

1464 is approved. **1465 (Making a SEQRA determination in connection with the proposed real estate acquisitions for intersection improvements on CR 80, Montauk Highway at CR 31, Old Riverhead Road, (CP #3301), Village of Westhampton Beach).**

**LEG. BISHOP:**

Same motion.

**P.O. POSTAL:**

Approved 5-0-0-1. Same motion, same second, same vote.

**MR. BARTON:**

17.

**P.O. POSTAL:**

**1466 (Making a SEQRA determination in connection with the proposed future planning steps resolutions concerning Suffolk County property acquisitions).** Same motion, same second, same vote. **(Vote: 17)**

**1467 (Making a SEQRA determination in connection with the proposed reconstruction of the intersection of CR 2, Straight path with Mount Avenue and South 20th Street, (CP #5527 III), Town of Babylon).** Same motion, same second, same vote. **(Vote: 17)**

**1472 (Authorizing acquisition of land under the new 1/4% Drinking Water Protection Program in connection with acquisition of open space (Land at Iron Point Flanders, Town of Southampton).** Approved 5-0-0-1.

**LEG. GULDI:**

Motion.

**LEG. CARACCIOLO:**

Second.

**P.O. POSTAL:**

Motion by Legislator Guldi, seconded by Legislator Caracciolo. All in favor? Opposed?

**MR. BARTON:**

17.

**P.O. POSTAL:**

1472 is approved. **1473 (To authorize lease of active parkland property at 666 Albin Avenue, West Babylon, Town of Babylon form Our Lady of Grace Roman Catholic Church).** Five -- oh, you have the committee report. Legislator Bishop.

**LEG. BISHOP:**

Motion to approve.

**LEG. CARACCILO:**

What was the vote in committee?

**P.O. POSTAL:**

Motion to approve.

**LEG. CARACCILO:**

What was the vote in committee?

**LEG. FIELDS:**

It's written on your --

**LEG. BISHOP:**

Yeah, that vote is incorrect. Legislator Caracciolo --

**P.O. POSTAL:**

It's on there. You don't have it on your committee? I'm sorry. The committee -- it may not be on his, they might have left it off. It's 5-0-0-1. Motion by Legislator Bishop, seconded by myself.

**LEG. ALDEN:**

Can we have an explanation on this one?

**LEG. FOLEY:**

On which resolution?

**P.O. POSTAL:**

Legislator Bishop.

**LEG. BISHOP:**

This is a 20-year lease for property that is adjacent to.

VanBourgonien County Park, which is owned by the Diocese of Rockville Centre. This is approving the 20-year lease for four acres. Essentially, this adds one large field, and the -- how

much is the -- Paul, do you have the price?

**LEG. ALDEN:**

And the other question is, is this a front loaded lease or, you know, what the terms of the lease would be?

**MR. SABATINO:**

No. The -- hold on.

**LEG. BISHOP:**

I think we agreed to pay them up front, and we get paid less as a result over the time.

**LEG. CARPENTER:**

\$653,000.

**LEG. BISHOP:**

Six-fifty-three for 20 years. That's 30 some-odd thousand a year.

**LEG. CARPENTER:**

It's right here.

**LEG. BINDER:**

Thirty thousand a year for how much land?

**LEG. BISHOP:**

Four acres.

**LEG. CARPENTER:**

May I ask a question?

**D.P.O. CARACAPPA:**

Yeah.

**LEG. CARPENTER:**

Do we have someone on the list here.

**D.P.O. CARACAPPA:**

Well, Legislator Carpenter, go ahead.

**MR. SABATINO:**

It's \$653,000. It's up front, but if you prorate it over the life, it would be the equivalent of 20 --

**LEG. CRECCA:**

How much is it?

**LEG. BISHOP:**

Six-fifty.

**LEG. CARPENTER:**

Six hundred and fifty-three thousand.

**LEG. BISHOP:**

Twenty years for four acres.

**MR. SABATINO:**

It would be the equivalent of 21,766 per year.

**LEG. BISHOP:**

Twenty-one thousand.

**LEG. ALDEN:**

And how much was the payment up front, though? I didn't --

**MR. SABATINO:**

The total amount is going to be 653,000. The original -- the original appraisal showed \$1,625,000. The appraisal review approved the lease component of that at \$653,000 over 20 years.

**LEG. CARPENTER:**

On the motion, if I could.

**D.P.O. CARACAPPA:**

Legislator Carpenter.

**LEG. CARPENTER:**

For Counsel, I guess. I have the resolution in front of me. I see what you're saying \$653,000 up front, and that part of the conditions of the lease are for the use of this 4.1 acre parcel. Requires the erection of appropriate structures, clubhouses and bathrooms by the town at no cost to the county, as provided in a maintenance and improvements agreement. So I want to know that if we, in fact, then are leasing this property, do we incur any kind of liability, even though the town is constructing the facilities?

**MR. SABATINO:**

Well, there is always going to be the potential for shared liability when you have multiple parties, especially municipalities, in a real estate transaction. But given the fact that the town will be doing the more active part of the transaction, you would think that if there was some potential case, that the facts would attribute a greater portion of the actual liability, if any, to the more active party. But the facts will dictate exactly how that gets apportioned, if, in fact, there is an incident. It was just that it would seem logical that the town would be assuming more responsibility, because they would be doing more things.

**LEG. CARPENTER:**

We're not the owner, though, we are just leasing it from the owner. Is there any way that the resolution could be constructed to diminish our liability to make sure that it is clear that any accidents that occur, that we would be the last person to come to? And why can't the town just lease this from the church? How come we're getting involved?

**LEG. BISHOP:**

Because it's a Greenways program, Legislator Carpenter, it's under the Greenways Program. So, under the terms of the Greenways Program, when there's an active recreational parcel to be obtained, the County acquires and the town manages. And this is simply doing it through a lease, because as I've said it numerous times here, in the Town of Babylon, the majority, almost all of open space that remains, is owned by the Catholic Church, either Brooklyn or Rockville Centre. And so they are not willing to alienate permanently, but they are willing to engage in

long-term leases, because the -- in great part, their parishioners want them to provide this land for recreational activity as well, so --

**LEG. CARPENTER:**

Was any effort made to get a longer lease than 20 years?

**LEG. BISHOP:**

Yes. We prefer ninety-nine year leases, but that's what was negotiated between --

**LEG. CARPENTER:**

I mean, a 20-year lease for something like this is, you know, just barely one generation.

**LEG. BISHOP:**

It is, indeed.

**D.P.O. CARACAPPA:**

Anybody else?

**LEG. CARACCIOLO:**

Yes.

**D.P.O. CARACAPPA:**

Legislator Lindsay, then Caracciolo.

**LEG. LINDSAY:**

Really, to the sponsor, Dave. So the Diocese owns the property.

**LEG. BISHOP:**

Right.

**LEG. LINDSAY:**

We're leasing it, town's going to develop it.

**LEG. BISHOP:**

Right.

**LEG. LINDSAY:**

Is the town going to manage and run it?

**LEG. BISHOP:**

Correct.

**LEG. LINDSAY:**

Okay. For one particular youth organization, or town programs, or --

**LEG. BISHOP:**

No. Primarily, it would be used by lacrosse and soccer. Those are the two large field sports that are in dire needs of fields.

**LEG. LINDSAY:**

How many fields would we be able to build on the property?

**LEG. BISHOP:**

One large, very large field, and with the potential for a smaller field, but it would have to be very small, it would have to be for the toddlers, almost, you know, whatever they call them, the tiniest. The tiniest of our athletic friends.

**D.P.O. CARACAPPA:**

Midgets.

**LEG. TONNA:**

I see you don't have children.

**LEG. LINDSAY:**

Maybe a question for Counsel. Have we ever entered into an arrangement like this in the past?

**MR. SABATINO:**

Sorry.

**LEG. LINDSAY:**



Have we ever entered into an arrangement like this in the past?

**MR. SABATINO:**

No. This is the first of its kind. It's under the active -- it's under the active parklands component of the Greenways Program, so we haven't done that many active Greenways projects, just as a matter of historical interest, and this would be the first one within that program that would do it this way.

**LEG. LINDSAY:**

But Greenways gives us the ability to do that?

**MR. SABATINO:**

Yeah, we -- it's clearly within the purview of the Greenways Program. It's only different in the sense that we're taking a lesser interest. Normally, we purchase the property, we take fee title, we own the entire property. The negotiations on this particular transaction were such that the seller was unwilling to do it, apparently, the more traditional way, which is the full ownership way. But from the Greenways perspective standpoint, the goals are still being met, because they're being forced to comply with the terms and conditions of that, which is to make it an active parkland. Plus you've got the town did its part, which is they passed the requisite resolutions to commit to the infrastructure improvements and maintenance. So, from that perspective, you're in compliance with the Greenways. The issue of whether you prefer leasing to ownership or ownership to leasing is -- that's left to your discretion to make the final decision.

**D.P.O. CARACAPPA:**

Mike.

**LEG. CARACCILOLO:**

Thank you. Counsel do, you have copies of the Town Board resolutions?

**MR. SABATINO:**

Yeah, they were filed. They're Resolutions 15 of January 19, 1999, 137 --

**LEG. CARACCILOLO:**

Do you have them, though?

**MR. SABATINO:**

-- of March. I don't know if I personally have them with me today, but, they were --

**LEG. CARACCILO:**

Okay. Because I have not seen them and they are four years old. And I don't know how strong the town's commitment's going to be to this particular endeavor. So, Dave, as you know, in committee --

**LEG. BISHOP:**

May I just speak to that?

**LEG. CARACCILO:**

In committee, I abstained on this.

**LEG. BISHOP:**

The town's commitment is so strong to this project that they have entered into a temporary bridge lease directly with the church to use the field. So the field has been used for the last six weeks, and the town is just doing that until the County passes this bill and then --

**LEG. CARACCILO:**

Are the terms --

**LEG. BISHOP:**

Then they assume the management portion.

**LEG. CARACCILO:**

Are the terms of that lease identical to the terms of this resolution?

**LEG. BISHOP:**

Yes, they used -- right, they used this as --

**LEG. CARACCILO:**

Same rate.

**LEG. BISHOP:**

Right.

**D.P.O. CARACAPPA:**

Just a bridge lease.

**LEG. BISHOP:**

They just prorated it.

**D.P.O. CARACAPPA:**

Legislator Alden.

**LEG. ALDEN:**

I just have first a legal question. I know, normally, under government operations, we can't borrow money to pace a lease. Is there an exception to?

**LEG. BISHOP:**

I could speak to that as well, because I've been working on that.

**D.P.O. CARACAPPA:**

Legislator Bishop, go ahead.

**LEG. BISHOP:**

Thank you. You can -- you can borrow money to pay a lease if the length of the term of the lease matches the borrowing term. So to do a 20-year lease, you have to have a 20-year -- at least a 20-year note, or to do it -- right, the opposite. The lease has to be longer than the note, or as long as the note.

**LEG. ALDEN:**

Okay. In the financial analysis that was provided for this, what's the -- there's a discount, because we're using money up front. So what's the present -- it would actually be a future cost of money, because we're going to be paying this back as something that we borrowed, so what's the true cost?

**MR. POLLERT:**

Frankly, we had not looked at that, because we had left it up to the Comptroller's Office the timing of the borrowing. Generally, what he does, because we're only in the bond market twice a year, is to advance cash from other capital projects. So I'm not sure if the resolution adopted exactly what the Comptroller's plans are with respect to doing the borrowing.

**LEG. ALDEN:**

Okay. But the analysis is that we're paying cash up front for something that we're getting like whatever number of years, so, basically, it's that cost plus.

**LEG. HALEY:**

We don't know that.

**LEG. ALDEN:**

It's a future value of money that, you know, you're giving it away right now, or you're spending it right now, so it's a future value of money that should be in the analysis to look at what the true cost is. But I think you answered it. Thanks, Fred.

**D.P.O. CARACAPPA:**

Any other questions? There's a motion and a second. All in favor? Opposed?

**LEG. CARPENTER:**

Roll call.

**LEG. ALDEN:**

Opposed.

**LEG. CARACCILO:**

Opposed.

**D.P.O. CARACAPPA:**

Roll call has been asked for. Roll call.

**(Roll Called by Mr. Barton, Clerk)**

**LEG. BISHOP:**

Yes.

**P.O. POSTAL:**

(Not Present)

**LEG. COOPER:**

Yes.

**LEG. TONNA:**

Yes.

**LEG. BINDER:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. CRECCA:**

Yes.

**LEG. CARPENTER:**

Yes.

**LEG. ALDEN:**

No.

**LEG. FIELDS:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. HALEY:**

Yes.

**LEG. VILORIA-FISHER:**

Yes.

**LEG. GULDI:**

Yes.

**LEG. CARACCIOLO:**

No.

**D.P.O. CARACAPPA:**

Yes.

**MR. BARTON:**

Legislator Postal. (Not Present)

**MR. BARTON:**

14. (Not Present: P.O. Postal)

**D.P.O. CARACAPPA:**

1473 is approved. **1503 (Amending the 2003 Capital Budget and Program and appropriating funds in connection with the Environmental Quality Information Systems (CP 4067)).** Approved out of committee 5-0-0-1. Is there a motion?

**LEG. FOLEY:**

Motion.

**D.P.O. CARACAPPA:**

Motion by Legislator Foley. Is there a second? Legislator Haley. Roll call.

**(Roll Called by Mr. Barton, Clerk)**

**LEG. FOLEY:**

Yes.

**LEG. HALEY:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. TONNA:**

Yes.

**LEG. BINDER:**

Yes.

**LEG. BISHOP:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. CRECCA:**

Pass.

**LEG. CARPENTER:**

Yes.

**LEG. ALDEN:**

Abstain.

**LEG. FIELDS:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. VILORIA-FISHER:**

Yes.

**LEG. GULDI:**

Yes.

**LEG. CARACCIOLO:**

Yes.

**D.P.O. CARACAPPA:**

Yes.

**P.O. POSTAL:**

(Not Present)

**LEG. CRECCA:**

Yes.

**MR. BARTON:**

15, 1 abstention. (Not Present: P.O.Postal)

**D.P.O. CARACAPPA:**

Same motion, same second, same vote. **1506 (Amending the 2003 Capital Budget and Program and appropriating funds for the purchase of equipment for groundwater monitoring and well drilling (CP 8226)).** Same motion. It's approved -- it was approved out of -- oh, wait a second. Is this correct, Counsel, 3-2-0-1?

**LEG. BINDER:**

The number seems to be a problem, Mr. Chairman.

**LEG. FOLEY:**

1506.

**D.P.O. CARACAPPA:**



1506.

**LEG. BINDER:**

1506 doesn't seem to have enough votes to get, if there are six people and it only got three to approve.

**D.P.O. CARACAPPA:**

That's what I'm -- that's what I'm questioning.

**LEG. BINDER:**

So, it sounds like the same thing happening. I want to ask Counsel.

**LEG. BISHOP:**

Is that correct?

**LEG. FOLEY:**

Double check.

**LEG. BISHOP:**

Okay. So then there's no action that needs to be taken.

**MR. SABATINO:**

No. 1506, yeah, they have a six-member committee, it should be four.

**LEG. BISHOP:**

Okay. Skip it.

**D.P.O. CARACAPPA:**

This resolution is stricken from today's agenda.

**LEG. BISHOP:**

It's recommitted to effectively --

**LEG. FOLEY:**

It's not even recommitted, it's still in committee.

**LEG. CARPENTER:**

It's still in committee.

**LEG. BISHOP:**

Instructively in committee.

**LEG. CARPENTER:**

It's still in committee.

**D.P.O. CARACAPPA:**

It's still in committee.

**LEG. BISHOP:**

It is, it's still in committee, it just didn't --

**LEG. CARPENTER:**

It's tabled.

**D.P.O. CARACAPPA:**

It's stricken from today's agenda, which makes it live in committee.

**LEG. CARPENTER:**

It's tabled.

**D.P.O. CARACAPPA:**

**1513 (Appropriating funds in connection with County share for participation in the Clean Water/Clean Air Bond Act projects (Capital Program Number 8233)).**

**LEG. VILORIA-FISHER:**

Motion.

**LEG. FOLEY:**

Second.

**D.P.O. CARACAPPA:**

There's a motion by Legislator Viloría-Fisher, second by Legislator Foley. It was approved out of committee 5-0-0-1. Roll call.

**(Roll Called by Mr. Barton, Clerk).**

**LEG. VILORIA-FISHER:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. TONNA:**

Yes.

**LEG. BINDER:**

Yes.

**LEG. BISHOP:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. CRECCA:**

Yes.

**LEG. CARPENTER:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. FIELDS:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. HALEY:**

Yes.

**LEG. GULDI:**

Yes.

**LEG. CARACCILO:**

Yes.

**D.P.O. CARACAPPA:**

Yes.

**P.O. POSTAL:**

(Not Present)

**MR. BARTON:**

16. (Not Present: P.O. Postal)

**P.O. POSTAL:**

Same motion, same second, same vote. **1536 (Making a SEQRA determination in connection with the proposed improvements to the Schraeder House, Building C831, C.P. 3046, Yaphank, Town of Brookhaven).** Approved 5-0-0-1. Motion by Legislator Foley, second by myself.

**LEG. BINDER:**

Mr. Chairman.

**D.P.O. CARACAPPA:**

On the motion, Legislator Binder.

**LEG. BINDER:**

I heard there were questions about this in committee. Were there questions about this?

**LEG. BISHOP:**

Didn't know what the Schraeder House was.

**LEG. BINDER:**

What is the Schraeder House?

**LEG. BISHOP:**

We learned.

**LEG. BINDER:**

The Schraeder House or the Schraeder?

**LEG. BISHOP:**

It's a juvenile detention center.

**LEG. BINDER:**

Oh, okay. We're fine. Thank you.

**D.P.O. CARACAPPA:**

Okay. All in favor?

**LEG. BISHOP:**

It didn't relate back to its -- Yaphank's infamous history.

**D.P.O. CARACAPPA:**

There's a motion and a second. All in favor? Opposed? It's approved.

**MR. BARTON:**

16, 1 not present. (Not Present: P.O. Postal)

**D.P.O. CARACAPPA:**

**1537 (Making a SEQRA determination in connection with the proposed surveillance, control and data acquisition (SCADA) for Suffolk County Sewer Districts, CP #8165).**

Same motion, same second, same vote.

**MR. BARTON:**

16, 1 not present. (Not Present: P.O. Postal)

**D.P.O. CARACAPPA:**

**1538 (Making a SEQRA determination in connection with the proposed open space acquisition of property donated by Michael R. Strauss within Mastic/Shirley Conservation Area (SCTM #0200-983.40-05.00-050.000) Town of Brookhaven).** Same motion, same second, same vote.

***(Vote: 16, 1 not present; Not Present: P.O. Postal)***

**D.P.O. CARACAPPA:**

**1539 (Making a SEQRA determination in connection with the proposed open space acquisition of property donated by First Time Design, Inc., within Mastic/Shirley Conservation Area (SCTM #0200-982.10-03.00-022.000) Town of Brookhaven).** Same motion, same second, same vote.

***(Vote: 16, 1 not present; Not Present: P.O. Postal)***

**1540 (Making a SEQRA determination in connection with the proposed improvements to the Hauppauge Youth Organization Sports Complex Facility, Town of Islip).** Same motion, same second, same vote.

***(Vote: 16, 1 not present; Not Present: P.O. Postal)***

**LEG. CRECCA:**

We're on a roll.

**WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE**

**D.P.O. CARACAPPA:**

Ways and Means. **1425 - To ensure League of Women Voters representation on Reapportionment Commission.** Is there a motion? This is approved out of committee 6-0-0-1. Legislator Viloría-Fisher.

**LEG. VILORIA-FISHER:**

Motion to approve.

**LEG. BINDER:**

Explanation.

**LEG. GULDI:**

Second.

**P.O. POSTAL:**

Motion by Legislator Viloría-Fisher, second by Legislator Guldi.

**LEG. BISHOP:**

Wait. I voted against this. I don't know how it could be 6-0-0-1.

**D.P.O. CARACAPPA:**

On the motion, Legislator Binder.

**LEG. BINDER:**

Explanation.

**D.P.O. CARACAPPA:**

Stay focused.

**LEG. CRECCA:**

Were you the one?

**D.P.O. CARACAPPA:**

Explanation.

**LEG. BISHOP:**

No, I wasn't absent, I voted no.

**LEG. VILORIA-FISHER:**

Okay.

**LEG. CARPENTER:**

Counsel.

**D.P.O. CARACAPPA:**

Legislator Viloría-Fisher, would you mind?

**LEG. VILORIA-FISHER:**

Yes. I know that it seems after the fact to be discussing a Reapportionment Commission at this point in time. However, looking forward to the future when we do need to put a commission together again, my hope is that we would have members of public advocacy groups who could serve on that commission to bring a voice that is not simply coming from the political vantage point, but, rather, from the public advocacy and good government vantage point.

The members, if you'd like -- I'll go to the resolution, if you don't have it in front of you, to read who the members would be. Allan --

**LEG. BINDER:**

Yes, go ahead.

**LEG. VILORIA-FISHER:**

Were you nodding yes, that you have it, or you don't --

**LEG. BINDER:**

I don't have it in front of me.

**LEG. VILORIA-FISHER:**

Paul, do you have it right in front of you, so I don't have to --



**MR. SABATINO:**

I have it.

**LEG. VILORIA-FISHER:**

Okay. Could you do that, please?

**D.P.O. CARACAPPA:**

Read the makeup of the commission.

**LEG. VILORIA-FISHER:**

Read who the membership would be, because I'm looking for my copy.

**MR. SABATINO:**

You want the exact language?

**LEG. VILORIA-FISHER:**

Of the membership.

**D.P.O. CARACAPPA:**

Of the membership, Paul.

**MR. SABATINO:**

You want it just read on the record?

**D.P.O. CARACAPPA:**

Yes.

**LEG. VILORIA-FISHER:**

Yes.

**MR. SABATINO:**

Okay. "Any official Reapportionment Commission established by the County of Suffolk on or after the effective date of this resolution, for the purpose of determining Suffolk County Legislative districts, based on the 2000 official decennial census, or any future decennial census,

shall consist of at least one representative from the Suffolk County League of Women Voters, or any successor or organization thereto, regardless of whether any such commission is established by legislation or by act of the Presiding Officer of the County Legislature."

**LEG. CARACCIOLO:**

Move the motion.

**D.P.O. CARACAPPA:**

Legislator Binder, go ahead.

**LEG. BINDER:**

On the motion. I think it's not a good idea for this Legislature to bind a future Legislature, which I don't think -- I don't know if anyone will be here for that next Legislature that's sitting here now, to bind that reapportionment to -- then, also, to pick out one particular group. We don't know what the political landscape will be like, we don't know what this group will be doing, not doing, what other groups are out there. It is not something we should do to curry favor with a particular group and single them out, so I think this is something we should roundly be against. And my understanding was that this didn't come out unanimous, because Legislator Bishop, to my understanding, voted no. So I don't know why that says that it was unanimous 6-0.

**D.P.O. CARACAPPA:**

That's duly noted. Legislator Crecca, you're up.

**LEG. CRECCA:**

Actually, I was going to make some of the same comments that Legislator Binder made. The only other thing I'd add is that there is no such thing under our Charter Law, or I would ask Counsel. There's no formal constitute -- nothing formally constituting a Reapportionment Commission; is that correct?

**MR. SABATINO:**

That's correct.

**LEG. CRECCA:**

So we're actually making a policy for something that doesn't even --

**D.P.O. CARACAPPA:**

Doesn't exist.

**LEG. CRECCA:**

You know, doesn't really exist, other than precedent. And I think that that's -- again, I support the concept behind this, but I sort of --

**LEG. VILORIA-FISHER:**

Well --

**LEG. CRECCA:**

I voted for it in committee, but I just don't understand how we do -- how we put an appointment on a commission that doesn't even really exist.

**LEG. FOLEY:**

In anticipation of.

**LEG. VILORIA-FISHER:**

I'm sorry. Is there a waiting list?

**D.P.O. CARACAPPA:**

Legislator Haley.

**LEG. VILORIA-FISHER:**

Sorry.

**LEG. HALEY:**

I'll support this as soon as they come up with a League of Men Voters. But if you think for one minute this is a nonpolitical type organization, you've got to be kidding me. First of all, they used to -- my concept of the League of Women Voters years ago was to provide a forum by which they could bring together the different parties for open debate. They used to help run debates and everything. They've changed that. They're now, actually, believe it or not, political action. They do take positions, and they do, in fact, lobby for those positions. They are, in fact, a political action group. So from that, and that point only, they shouldn't be included on a reapportionment commission.

**LEG. TONNA:**

Could I also be recognized?

**D.P.O. CARACAPPA:**

Legislator Tonna.

**LEG. TONNA:**

Also, just to remind those who have similar sentiments, I was astounded to find out the League of Women Voters has a very, very pro choice position. I thought it was kind of like a neutral organization. So anybody who is pro life, you know, to put that in the hands of the League for Women Voters, you're already putting it in reapportionment. You're already -- you're already talking about a group that has made a very definite choice, which I'm against.

**D.P.O. CARACAPPA:**

Legislator Fisher, do you have anything else to say?

**LEG. VILORIA-FISHER:**

Yes. The League of Women Voters is named here, because, although they -- I didn't know that that position on --

**LEG. TONNA:**

Oh, absolutely.

**LEG. VILORIA-FISHER:**

-- had been taken. However, in reapportionment issues, I don't see that, yes, the Supreme Court, as Legislator Guldi is saying, takes the same position. But in reapportionment issues, I don't see that pro life is going -- or pro choice is going to be a deciding factor.

**LEG. TONNA:**

I just don't want to support an organization that is -- as part of their platform, is, you know, pro abortion. I just don't want to support an organization or give that any, you know, political clout. When dealing with reapportionment issues, maybe they'll say, "Hey" -- maybe there'll be something with the Legislature that happens to be pro life and they say, "Hey, maybe we could fiddle with the district."

**LEG. VILORIA-FISHER:**

You know what, I'd like to look at some way --

**LEG. TONNA:**

So I don't want to in any way encourage a group like that.

**LEG. VILORIA-FISHER:**

Okay. I'd like to look in some way, then. I'd be happy to table this and look at it more closely. But I feel that having lived through one reapportionment process, I believe that it's incumbent upon us to really begin to look at ways that we can depoliticize it a little bit more. Having other voices at the table I think is really, really important, because I believe the way the process went was demeaning to us as a body. And that's my own opinion and, you know, people may differ --

**LEG. TONNA:**

I just think that they have --

**LEG. VILORIA-FISHER:**

-- but I feel that we should work on it.

**LEG. TONNA:**

Since it's part of their platform to be pro abortion and there are -- it's a political --

**LEG. VILORIA-FISHER:**

Well, they're pro choice, not pro abortion.

**LEG. TONNA:**

Well, okay.

**D.P.O. CARACAPPA:**

Okay.

**LEG. TONNA:**

Anyway, so all I'm saying is that to make, you know --

**D.P.O. CARACAPPA:**

Let's try and -- let's try and debate the merits of the bill. Legislator Lindsay, and then Legislator Caracciolo.

**LEG. VILORIA-FISHER:**

I said I would be willing to table it.

**LEG. GULDI:**

Second the tabling motion.

**D.P.O. CARACAPPA:**

Make the motion.

**LEG. VILORIA-FISHER:**

I'll make the motion to table.

**LEG. COOPER:**

Second.

**P.O. POSTAL:**

Okay. I know that there are people who wanted to be recognized. That may have changed now that there's a tabling motion; has that? Okay. All in favor?

**LEG. BINDER:**

Of what?

**P.O. POSTAL:**

Of the tabling, tabling.

**LEG. BINDER:**

No.

**P.O. POSTAL:**

Opposed?

**LEG. BINDER:**

No, opposed.

**LEG. ALDEN:**

No to tabling?

**LEG. TONNA:**

I'm opposed to tabling. I'm opposed to tabling.

**P.O. POSTAL:**

Opposed, Legislator Binder, Legislator Tonna --

**LEG. BINDER:**

Roll call, roll call.

**P.O. POSTAL:**

-- Legislator Alden, Legislator Haley.

**LEG. BINDER:**

Roll call.

**P.O. POSTAL:**

No, we don't need a roll call, that's it.

**LEG. BINDER:**

No. Roll call. I want to see --

**P.O. POSTAL:**

Everybody else voted yes for tabling. There were four of you who voted against tabling.

**LEG. GULDI:**

Okay.

**P.O. POSTAL:**

Okay.

**MR. BARTON:**

Thirteen.

**P.O. POSTAL:**

1425 is tabled. **1429 (Amending the 2003 Capital Budget and Program and appropriating funds in connection with litigation related to the Forensic Sciences Medical and Legal Laboratory).**

**MR. SABATINO:**

1429, Madam Chair, has to be tabled, because the offset's no longer --

**P.O. POSTAL:**

Oh, that's right. Thank you. I'm sorry.

**LEG. GULDI:**

Yes. The Budget -- if I may, the Budget Office asked me not to humiliate them. They gave us assurances that there was money in the fund, and I wouldn't point out that they were in error and that -- and that there was no money in the fund, despite their assurances.

**LEG. VILORIA-FISHER:**

Motion to table.

**P.O. POSTAL:**

We're going to have to table this. Motion by Legislator Viloría-Fisher, seconded by Legislator Crecca. All in favor? Opposed? 1429 is tabled.

**MR. BARTON:**

17.

**P.O. POSTAL:**

**1440 (Authorizing use of Cathedral Pines County Park by Parents for Megan's Law for their fundraising event).** It was approved out of committee 6-0-0-1.

**LEG. VILORIA-FISHER:**



Motion to approve.

**P.O. POSTAL:**

You have the report in front of you. Who was the motion-maker? Legislator Viloría-Fisher, seconded by Legislator Caracappa. All in favor? Opposed?

**MR. BARTON:**

17.

**P.O. POSTAL:**

1440 is approved. **1498 (To convey title to County-owned real property pursuant to Section 215, New York State County Law, David K. Blachly (0400-281.00-01.00-112.000)).** Approved 6-0-0-1.

**LEG. FOLEY:**

Motion.

**P.O. POSTAL:**

Motion by Legislator --

**LEG. FIELDS:**

You're not going to mention the numbers, you said.

**P.O. POSTAL:**

Oh, sorry. No, the numbers I am going to mention. Legislator Foley, seconded by myself. All in favor? Opposed?

**MR. BARTON:**

17.

**P.O. POSTAL:**

Approved. **1500 (Authorizing the sale of surplus County car (showmobile) to Town of Southampton).** Approved 6-0-0-1.

**LEG. GULDI:**

Motion.

**LEG. CARPENTER:**

On the motion.

**P.O. POSTAL:**

Motion by Legislator Guldi. Let's get a second.

**LEG. GULDI:**

Motion.

**P.O. POSTAL:**

Second by Legislator Viloría-Fisher.

**LEG. ALDEN:**

On the motion.

**P.O. POSTAL:**

On the motion, Legislator Alden.

**LEG. ALDEN:**

Could somebody just explain, number one, why we're selling our showmobile if it's -- I guess it's decommissioned. And how much money we're getting for it and what the appraised value of it was.

**LEG. GULDI:**

The status of the showmobile, I was advised, was that it was decommissioned and stripped. The DPW had determined that it was beyond its serviceable life. The Town of Southampton expressed a desire for receiving it. They will put it -- rehabilitate it and use it over the shorter distances within the town to fulfill their needs, and thereby reduce the demand for the replacement showmobile that we already have.

**LEG. ALDEN:**

If it's okay with you, then, George --

**LEG. GULDI:**

And the amount --

**LEG. ALDEN:**

Let me ask you another question. How much is -- this is the Town of Southampton. How much do they plan on spending on this for the refurbishment?

**LEG. GULDI:**

The amount -- how much are they spending? I have no data on what their refurbishment costs are or how they intend to accomplish them. Southampton Town Department of Public Works has, certainly under it's prior ten years or more prior, Commissioner of Public Works made a practice of acquiring equipment, obsolete and worn out equipment from other departments, rehabilitating it and using it. So they have a -- they have a lot of experience with this. They've determined they want it, we've already surplused it. The value for it in its condition, per the bill at my sponsorship, was \$200, that being the minimum requirement.

**LEG. ALDEN:**

And the appraisal on the vehicle is how much?

**LEG. GULDI:**

I haven't received one and I don't know. Hold on one minute.

**P.O. POSTAL:**

George, would you just yield for a minute?

**LEG. ALDEN:**

Yeah, I'll yield.

**P.O. POSTAL:**

I'm talking to George.

**LEG. ALDEN:**

What?

**P.O. POSTAL:**

Oh, I'm sorry.

**LEG. GULDI:**

Well, he does have the floor.

**P.O. POSTAL:**

I apologize.

**LEG. ALDEN:**

That's all right.

**P.O. POSTAL:**

Cameron, would you yield for a minute?

**LEG. ALDEN:**

I yield.

**P.O. POSTAL:**

I just want to remind you that in the resolutions we've received before on these sales of surplus cars, and I actually read some of them off a few meetings ago, there were cars with mileages of like 135, 140,000, 150,000 that they felt were appraised at seventeen hundred dollars, fifteen hundred dollars. They were just -- they were coming from some other planet. I don't know where they get their appraisals. So I think that what we've done, all of us, is to adjust what they give us as a value to what we feel is realistic, and that's what's been happening with all of these sales of surplus vehicles.

**LEG. GULDI:**

Cameron, the data in the backup, all it indicates, that it was a 1984 {Wangen} trailer converted to showmobile, giving its age at 20 years. There is no valuation -- there is no other valuation -- information that's been provided by the department. But, frankly, a 20 year old trailer that's been stripped isn't going to be -- \$200 may not be a great deal, but the Town has indicated they want it.

**LEG. ALDEN:**

But we just passed a resolution within the last couple of meetings to authorize the purchase of a new showmobile. And how much was that for, Fred, like a couple of hundred thousand, half a million, something?

**MR. SPERO:**

I believe it was about \$100,000.

**LEG. ALDEN:**

A hundred thousand dollars. All right. So my point might be something like this. If we've got -- if we've got -- if we're fiscally challenged in Suffolk County, and it appears that Southampton can take this and refurbish it, and it looks like they're going to be able to do it for possibly less than \$100,000 that we went and spent on a new one, there might be some consideration that Suffolk County should give to, instead of excessing some of these things, to actually refurbish these things and put them back on the -- in useful life.

In answer to the point that was made by the Presiding Officer, if we're not doing something correctly, if we're valuing these surplus vehicles and it's being done improperly, we're wasting money, because we're paying people either on the payroll to do that, or we're bringing in outside appraisers to do that, and, therefore, that's a waste of County government that really -- it can't be tolerated. If it's \$100, if it's \$50, or \$200, or if their salary is \$60,000 a year, if they're out there and they're supposed to be providing a service to us and they're not doing it, then we really should find out who is doing that evaluation. And if it's not being done properly, then that's a cut that we should make in County government. And if we're going to give away all these vehicles, if they're valued at seventeen hundred dollars and we're going to give them away at \$100, that's either a waste of County government, or whoever is valuing them should go and get himself a different job.

**LEG. GULDI:**

May I?

**P.O. POSTAL:**

If you're responding to that question.

**LEG. GULDI:**

Yeah, I just -- yes, I'm responding to that point.

**P.O. POSTAL:**

Legislator Guldi.

**LEG. GULDI:**

I've been advised that Bill Sickles of the Parks Department said that he was glad to see Southampton was taking this particular showmobile, because it will relieve the County of the burden and expense of breaking it up and having the debris hauled away, because that's his opinion as to the condition of the showmobile that they're taking.

**P.O. POSTAL:**

Before I recognize Legislator Carpenter, I just want to know, does anyone have any idea who appraises these things and gives us the price?

**D.P.O. CARACAPPA:**

Purchasing.

**P.O. POSTAL:**

Purchasing?

**LEG. CARACCILO:**

Move the motion.

**MR. SABATINO:**

The Division of Purchasing does it. We get a detailed list for all the vehicles. In fact, you'll see in the new packet. I wrote a memo last night on this. There's a whole number of vehicles that are valued at five thousand, six thousand, sixty-five hundred dollars, so this --

**P.O. POSTAL:**

Gee.

**MR. SABATINO:**

In fact, 16 out of the 18 vehicles that are in the next packet have substantial values, and resolutions are being proposed at \$200. What I'm suggesting in the memorandum is that something should be looked at, because, if the vehicles are worth sixty-five hundred dollars, the

County might want to consider disposing of the vehicles, because you're going out and then replacing the vehicles at twenty, twenty-five, maybe, you know, twenty-four thousand dollars, so -- or the underlying value is flawed. But I think this most recent batch really highlights the issue that Legislator Alden is raising, because 16 out of the 18 are going to be in a category that's going to -- it's got dramatic deviation between the \$200 minimum value and the actual appraised value. And it's coming out of the Division of Purchasing. I think it should be looked at.

**LEG. CARPENTER:**

Thank you.

**P.O. POSTAL:**

And I'm going to recognize Legislator Carpenter in a second. I just think that it would be real interesting for, I don't know which committee, Ways and Means, to ask -- yes, George, you knew it was going to Ways and Means.

**LEG. VILORIA-FISHER:**

Why not make it a seven-hour meeting?

**P.O. POSTAL:**

To ask the Department of Public Works to come and make a presentation, explain how they appraise these things, because this doesn't make any sense whatsoever. And we're either losing a tremendous amount of money, or we're overcharging by a tremendous amount. One way or the other, this is flawed. So I really think it would make sense to have them come down and have them outline exactly how they determine the appraised value.

**P.O. POSTAL:**

Legislator Carpenter.

**LEG. CARPENTER:**

Thank you very much. When I was reviewing the agenda yesterday, I was a little bit disturbed to see this resolution, because I had no idea that the decision had been made to excess this showmobile, so I called the Parks Department.

**LEG. BISHOP:**

Why don't you table this until the next meeting?

**LEG. CARPENTER:**

Well, do you mind if --

**LEG. BISHOP:**

There's no emergency showmobile need.

**P.O. POSTAL:**

Why don't you wait until you're recognized.

**LEG. BISHOP:**

I'm talking to George.

**P.O. POSTAL:**

Why, is he the Chair? Well, Legislator Carpenter has the floor and I think it just would be courteous to let her finish.

**LEG. CARPENTER:**

Ha-ha. Thank you. In any event, in speaking to Parks, I was told that they had decided that it was going to be too costly to repair the showmobile, that they had gotten an estimate of about \$20,000, which, personally, I think is probably more than needed. But still in all, I felt that this was a discussion that should have been appropriate and had at the Parks Committee. We did not have that opportunity.

The idea with pushing forward with the purchase of the showmobile two years ago was because we only had one showmobile, that this was a large County, and that the showmobile we had was an old one. So we go and we purchase the second showmobile, now we're back to where we started, with one showmobile if we approve this resolution.

And, again, to the point of not having had this discussion in parks, I don't feel that that's appropriate. It is something that we should have discussed in the Parks Committee. So I hear that there is a motion to table and I would really support that.

**P.O. POSTAL:**



Legislator Viloria-Fisher.

**LEG. VILORIA-FISHER:**

Angie, I wanted to just ask a question. Did you ask what the cost of the new showmobile was?

**LEG. CARPENTER:**

I believe it was in that hundred thousand dollars.

**LEG. VILORIA-FISHER:**

Okay. So a new showmobile is about \$100,000?

**LEG. CARPENTER:**

Right.

**LEG. ALDEN:**

We approved the purchase of it.

**LEG. CARPENTER:**

Right.

**LEG. VILORIA-FISHER:**

Right.

**P.O. POSTAL:**

Okay.

**LEG. VILORIA-FISHER:**

I just couldn't remember what it was.

**LEG. ALDEN:**

I'm not sure if I asked the last time that these resolutions came up, but I'm not sure if it's appropriate for you to do it, Freddy, in Budget Review or the Comptroller. I think I'd like to see an analysis of the excess vehicles that we've sold, what the appraised values were, and then the amount of money that Suffolk County got from them when we went and sold them for \$50, or a

\$100, or \$25. And I think it's going to be interesting to see if there's a difference between the appraised value and what we're actually selling these things for. So I'm not sure if it's appropriate to have you do that analysis, or if the Comptroller might have some of those figures anyway, and I could just formally ask him to prepare something for us.

**MR. POLLERT:**

The Comptroller's Office, as a regular basis of doing their business, goes to all of the County auctions just to make sure that all the forms and processes and procedures are being carried out.

**LEG. ALDEN:**

Yeah, I'll get the information from him.

**P.O. POSTAL:**

Legislator Guldi.

**LEG. GULDI:**

Yeah. With respect to the showmobile, what I'm advised, with respect to the condition of this showmobile, is that it is not road worthy. The surplus showmobile cannot be safely moved across the roads, so the fact that the -- and I understand that part of Southampton's plan for utilization is to -- is to move it minimally, if at all, over short distances, which is an entirely different need than the showmobile needs of the County, and also, by virtue of doing that, to reduce the demand for this one.

**LEG. CARPENTER:**

If I could respond.

**P.O. POSTAL:**

Legislator Carpenter.

**LEG. CARPENTER:**

Again, this is a discussion I think we could have had in the Parks Committee, because, just as Southampton probably will transport it minimally and keep it in one or two locations, certainly, with the County parks that we have in place, there may have been a park that it would have been appropriate to set this showmobile up as a permanent showmobile. When the Suffolk

County Committee for Camping has their annual camp-out and other events at Cathedral Pines, it might have been something that we could have done to set it up there permanently.

**P.O. POSTAL:**

Okay. We have a motion and a second. All in favor?

**D.P.O. CARACAPPA:**

To table?

**P.O. POSTAL:**

Henry, we don't even have a motion --

**MR. BARTON:**

I have a motion to approve and a second.

**P.O. POSTAL:**

Oh. All right. There's a motion to approve and a second. Is there --

**LEG. CARPENTER:**

Motion to table.

**P.O. POSTAL:**

Motion to table, Legislator Carpenter, I'll second that. All in favor of tabling?

**MR. BARTON:**

Any opposed?

**D.P.O. CARACAPPA:**

Opposed.

**LEG. LINDSAY:**

Opposed.

**LEG. GULDI:**

Opposed.

**P.O. POSTAL:**

Opposed, Legislator Guldi, Legislator Lindsay, Legislator Caracappa. All right. There's a motion to approve.

**MR. BARTON:**

14.

**LEG. BINDER:**

It's tabled.

**LEG. GULDI:**

No, it's tabled.

**P.O. POSTAL:**

Oh, I'm sorry.

**LEG. BISHOP:**

Next.

**P.O. POSTAL:**

**1501 (Approving a settlement of litigation between the County of Suffolk and First American Real Estate Solutions).** Approved -- and, let's see.

**LEG. GULDI:**

Motion to approve.

**P.O. POSTAL:**

Motion to approve by Legislator Guldi, seconded by Legislator Caracciolo.

**LEG. FOLEY:**

Explanation, please.

**P.O. POSTAL:**

I have a question.

**LEG. FOLEY:**

Explanation.

**P.O. POSTAL:**

I don't know who can answer this. Was this firm in any way representing us in any of the recent land scandals?

**LEG. GULDI:**

No. What this was --

**P.O. POSTAL:**

Or involved in any --

**LEG. GULDI:**

No. What this litigation arose from is this firm, some years ago, approximately a decade, they licensed the County tax maps for resale, and they paid the County an annual fee. After the third year of paying the County the annual fee, they stopped paying the County the annual fee, yet continued to sell the tax maps. The County had taken the precaution of action of copywriting the tax maps, and there's an issue as to the copywritableness, if that's a word, of public information. The litigation settlement, while litigating the claims between us and the vendor, requires the payment, I believe, of \$300,000 is my recollection for past practices and an ongoing future payment of a fee, an annual fee in connection with the sale and marketing of copies of the Suffolk County tax map. So the bottom line on this is we get the money.

**P.O. POSTAL:**

Okay. Legislator Alden.

**LEG. ALDEN:**

Are they -- they're not the exclusive licensee, right, to provide that; do you know?

**LEG. GULDI:**

I don't. That question was not asked in committee, so I do not know the answer. Counsel's here. Did I get it right?

**MS. DEJONG:**

That's a nonexclusive license agreement.

**LEG. GULDI:**

Okay.

**LEG. ALDEN:**

Thanks.

**P.O. POSTAL:**

Okay. All in favor? Opposed?

**P.O. POSTAL:**

17.

**P.O. POSTAL:**

1501 is approved. **1507 (Appropriating funds in connection with the acquisition of land for drainage improvements on C.R. 76, Townline Road, Towns of Islip and Smithtown).** Approved 6-0-0-1. Motion by Legislator Bishop, second by Legislator Viloría-Fisher. Roll call.

**(Roll Called by Mr. Barton, Clerk)**

**LEG. BISHOP:**

Yes.

**LEG. VILORIA-FISHER:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. TONNA:**

Yeah.

**LEG. BINDER:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. CRECCA:**

Yes.

**LEG. CARPENTER:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. FIELDS:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. HALEY:**

(Not Present)

**LEG. GULDI:**

Yes.

**LEG. CARACCIOLO:**

Yes.

**D.P.O. CARACAPPA:**

Yes.

**P.O. POSTAL:**

Yes.

**MR. BARTON:**

Legislator Haley? (Not Present) 16.

**P.O. POSTAL:**

Same motion, same second, same vote. **1518 (Approving the appointment of William T. Murphy II to Police Operations Aide in the Suffolk County Police Department).**

Approved 4-2-0-1. Motion by Legislator Caracappa.

**D.P.O. CARACAPPA:**

Sure.

**P.O. POSTAL:**

Seconded by Legislator Carpenter. All in favor?

**LEG. ALDEN:**

Just an explanation, quick.

**P.O. POSTAL:**

Explanation, Mr. Sabatino.

**MR. SABATINO:**

This is an anti-nepotism resolution. Because the individual who's being appointed is being appointed to a position in the Police Department that is not subject to competitive civil service examination, and he is the son of a Deputy Inspector, it requires Legislative approval in order for that person to receive the appointment.

**P.O. POSTAL:**

Okay. We --



**LEG. BINDER:**

Madam Chair.

**P.O. POSTAL:**

Legislator Binder, was that? Oh, I'm sorry. Go ahead.

**MR. KNAPPE:**

Good afternoon. There was a little misrepresentation at committee, because we did not have all the information from Civil Service and the Police Department. I spoke to the Committee and I told them I would get them the correct information and come back to them this afternoon. The position is civil service competitive.

**LEG. VILORIA-FISHER:**

Oh, it is.

**MR. KNAPPE:**

Yes, it is. There is an active list. However, during Civil Service's and the Police Department's canvassing of that list for this position, and the tour that this individual would be working, it is midnights, with the only days slated off are Tuesdays and Wednesdays evenings, so they are working Friday, Saturday, and Sunday nighttime. They exhausted the list. There was nobody currently on the active list that wanted to accept the job.

In addition to that, the Police Department then has to go through Civil Service rules through the next field of promotion. The Police Department had about 80 individuals inside the department who could accept this position in that -- in that field of promotion. Once again, all 80 of those individuals declined the position as well. This was the only option that was left for the Police Department. It was one of the options that was left for the Police Department that they thought was the most viable. And the individual is willing to accept a Grade -- I think it's a Grade 13 position, to start working.

**LEG. CRECCA:**

How did you get this guy to do it?

**LEG. BINDER:**

Can I --

**P.O. POSTAL:**

Legislator Binder, and then Legislator Guldi.

**LEG. BINDER:**

He's going from -- he's going from a Grade what to a Grade what?

**MR. KNAPPE:**

I don't -- I believe it's a new hire. He's not currently -- it's not a promotion or any type for this individual.

**LEG. BINDER:**

So he's not a police officer.

**MR. KNAPPE:**

No. His father, I believe, is a Deputy Inspector. I could look through the backup, but it is --

**MR. SABATINO:**

Deputy Inspector.

**MR. KNAPPE:**

Yes, Deputy Inspector.

**LEG. BINDER:**

Okay.

**P.O. POSTAL:**

Wait, wait. Legislator Guldi --

**LEG. LINDSAY:**

I'm sorry.

**P.O. POSTAL:**

-- and then Legislator Lindsay.

**LEG. GULDI:**

Are you done? Yeah. The one question I have, given the exhaustive efforts to go through the two lists to have, what, upwards of a hundred people decline the position, once this individual takes this shift, what's the procedure for changing his shift?

**LEG. CARACCILO:**

Very administrative.

**MR. KNAPPE:**

That I would refer to the Police Department, but this is a need that they need filled, this shift.

**LEG. GULDI:**

I understand that, but what would the -- what would the restrictions be on changing the shift, thereby having bypassed a hundred people on the list?

**MR. KNAPPE:**

That, I don't know what Civil Service's ramifications are on that, but the individual is being hired to work a certain tour.

**LEG. GULDI:**

Would the amendments to that tour require an additional or different anti-nepotism waiver? Counsel?

**LEG. FOLEY:**

No, just a hiring or a promotion.

**MR. SABATINO:**

I'm sorry.

**LEG. GULDI:**

The question is, they've been through a hundred people on the list, nobody else will take this shift. Once this individual is hired for that shift, what procedures would there be required to change the shift?

**LEG. FIELDS:**

I'm going to make a motion to table.

**MR. SABATINO:**

To change his shift?

**LEG. GULDI:**

Yeah. I realize you were engaged otherwise, but let me explain. We were just told that this is a civil service position.

**MR. SABATINO:**

Yeah, I know that point. Somebody handed me a document when we got to your question, but --

**LEG. GULDI:**

Yeah, it's midnight to eights, and with Tuesday and Wednesday off. They've been through a hundred people on the list who are ahead of this applicant, or was this applicant on the list at all?

**MR. KNAPPE:**

The applicant was not on the list.

**LEG. GULDI:**

They exhausted the lists.

**MR. SABATINO:**

Right, I'm aware of that, yeah.

**LEG. GULDI:**

And then -- and now have offered the position to this individual who needs an anti-nepotism waiver. What, if anything, is there to prevent or regulate the change of the shift from the midnight to eight, with Tuesdays and Wednesdays off, to a day shift once the waiver is issued, if anything?

**MR. SABATINO:**

Well, from a Legislative perspective, nothing, but, I guess, I don't know the rest of the picture.

I mean, are there -- this title is a Police Operations Aide?

**MR. KNAPPE:**

It's my understanding that the Police Department had --

**MR. SABATINO:**

Are there other Aides?

**MR. KNAPPE:**

There are other Operational Aides throughout the County. The Police Department has a very desired need to fill this nighttime slot. They need to get an individual in this slot and they have found this person. Nobody else is interested in working this slot, and the Police Department has a need.

In addition this is a part of the whole civilianization of the plan. They're also looking at changing the people in the precincts. They have already been in the process of making Police Operations Aides in the police precincts as well, and this is just one concerted effort among that whole group.

**MR. SABATINO:**

I mean, all I can say -- I mean, I can't answer that technical aspect of it. At the committee, we were operating under a totally different assumption and --

**LEG. GULDI:**

Yeah, I understand that, so -- well, let me put it this way. I have never voted down one of these waivers, but in order to vote for this waiver, I'm going to need some assurance that the -- that any change in -- departure or change from the schedule that you just talked about would have to come -- be brought back to the Legislature's attention at the very least. Somebody made a motion to table.

**P.O. POSTAL:**

Legislator Lindsay.

**LEG. FIELDS:**

And Legislator Fields.

**P.O. POSTAL:**

And then --

**LEG. FIELDS:**

Legislator Fields.

**P.O. POSTAL:**

-- Legislator Fields.

**LEG. LINDSAY:**

Yeah. Just do you know the pay grade, roughly?

**MR. KNAPPE:**

Yes, I do.

**LEG. LINDSAY:**

What is thirteen equal to in dollars and cents?

**LEG. BISHOP:**

Thirty-three thousand.

**MR. KNAPPE:**

It's about 29,000.

**LEG. LINDSAY:**

Twenty-nine thousand. And if this young man fills this position on a temporary basis, he has to take the civil service exam?

**MR. KNAPPE:**

Not only would he have to take it, he would have to pass it and be reachable to be --

**LEG. LINDSAY:**

Okay.

**MR. KNAPPE:**

To make his provisional --

**LEG. LINDSAY:**

So it's a temporary waiver --

**MR. KNAPPE:**

Correct.

**LEG. LINDSAY:**

-- that he's hired under.

**MR. KNAPPE:**

That's correct.

**LEG. CARACCILO:**

Question.

**P.O. POSTAL:**

Legislator Fields, and then Legislator Caracciolo.

**LEG. FIELDS:**

Was there a help wanted ad that went out to the general public?

**MR. KNAPPE:**

I do know that when everybody took the police test, it was up on the County's internet website, as well as where all the other civil service tests are posted.

**LEG. FIELDS:**

I would like to make a motion to table this.

**LEG. CARACCILO:**

Madam Chair, question.

**P.O. POSTAL:**

Legislator Caracciolo.

**LEG. CARACCILOLO:**

Yes. With regard to this being a temporary position until the individual was successful on a civil service exam, when is the next exam scheduled?

**MR. KNAPPE:**

That is not a definitive date. The State sets the civil service --

**LEG. CARACCILOLO:**

So, it may not be temporary, it could be a year, it could be two years, so it may not be a temporary assignment.

**MR. KNAPPE:**

Well, it is temporary until that test is offered. However, the State is the ones who offer the test.

**LEG. CARACCILOLO:**

I think the line of questions raised by Legislator Guldi sought to identify whether or not this was an effort to circumvent the nepotism law by providing a job to an employee, a County employee's relative, in this case son, on a temporary basis, or something other than that. And I think as the picture unfolds, we're beginning to see that it's something other than that. While it's meritorious the individual has stepped forward to fill a void that very few, if no one else, has been willing to accept, if there was a stipulation in the resolution as to a time frame, I could support it, but to make it indefinite, I think that's circumventing the law.

**LEG. FIELDS:**

I said motion to table.

**P.O. POSTAL:**

There's a motion to table. I think Legislator Vilorio-Fisher wanted to be recognized; am I right?

**LEG. VILORIA-FISHER:**

Yes. Maybe I have to make my -- the suspicious part of my nature, maybe I should refine it a little bit. I don't see the nefarious, all of the nefarious other. I see this as a \$29,000 job as temporary. We're not going to be meeting again for quite a number of weeks. I won't support a



motion to table. I would like to see this approved. And I believe that the civil service restrictions are that he can't be made a permanent employee unless he's off the list; is that correct?

**MR. KNAPPE:**

He will be provisional until the point where there is an active list that he'll be able to hire off of.

**LEG. VILORIA-FISHER:**

Okay.

**MR. KNAPPE:**

A list that's not exhausted.

**LEG. VILORIA-FISHER:**

Aren't there civil service parameters for provisional?

**MR. KNAPPE:**

Yes, there are. There are certain -- there are many parameters for provisional employees.

**LEG. VILORIA-FISHER:**

Okay. And there are time limitations. You can't be provisional forever.

**LEG. CARACCILO:**

What are they?

**MR. KNAPPE:**

That's not necessarily true, but once the list is --

**LEG. VILORIA-FISHER:**

If there's a list, you cannot be provisional forever.

**MR. KNAPPE:**

That is a hundred percent correct.

**LEG. VILORIA-FISHER:**

Okay.

**LEG. CARACCIOLO:**

There's no list.

**P.O. POSTAL:**

Okay.

**LEG. VILORIA-FISHER:**

There is a list.

**LEG. ALDEN:**

Exhausted.

**MR. KNAPPE:**

The list has been exhausted.

**LEG. VILORIA-FISHER:**

They exhausted the list for these hours.

**MR. KNAPPE:**

As in the case with all civil service tests, another test will be offered. However, Legislator Caracciolo is correct, it may happen a year from now. We do not know when the State's going to offer this list.

**LEG. VILORIA-FISHER:**

Well, if it happens a year from now, a provisional job for a year is not that extraordinary.

**MR. KNAPPE:**

That's correct.

**P.O. POSTAL:**

Okay. We have a motion to table, and is there a second?

**MR. BARTON:**

Not yet.

**P.O. POSTAL:**

No?

**MR. BARTON:**

Not yet.

**P.O. POSTAL:**

There's no second. There's a motion to approve and a second. All in favor? Opposed?

**LEG. CARACCILO:**

Abstain.

**LEG. BINDER:**

Opposed to table.

**LEG. CRECCA:**

Abstain.

**LEG. FIELDS:**

Opposed.

**P.O. POSTAL:**

Wait, wait, wait.

**LEG. BISHOP:**

This is not to table, this is on the motion.

**P.O. POSTAL:**

Now, you're seconding the motion to --

**LEG. BINDER:**

That's all right.

**LEG. BISHOP:**

He's not, he's not, he's not.

**P.O. POSTAL:**

Okay.

**LEG. FIELDS:**

Wait a minute. What are we doing?

**LEG. CARPENTER:**

We're voting to approve.

**P.O. POSTAL:**

We now have a motion to approve that we're voting on. All in favor of --

**LEG. ALDEN:**

Roll call.

**P.O. POSTAL:**

All right. Roll call.

**(Roll Called by Mr. Barton, Clerk)**

**D.P.O. CARACAPPA:**

Yes.

**LEG. CARPENTER:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. TONNA:**

Yes.

**LEG. BINDER:**

Yes.

**LEG. BISHOP:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. CRECCA:**

Yes.

**LEG. ALDEN:**

Abstain.

**LEG. FIELDS:**

Abstain.

**LEG. LINDSAY:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. HALEY:**

(Not Present)

**LEG. VILORIA-FISHER:**

Yes.

**LEG. GULDI:**

Yes.

**LEG. CARACCILO:**

Abstain.

**P.O. POSTAL:**

Yes.

**MR. BARTON:**

13. (Not Present: Leg. Haley)

**P.O. POSTAL:**

**1521 (Approving the reappointment of Rabbi Steven A. Moss as Chair of the Suffolk County Human Rights Commission).** I'll make a motion to approve.

**LEG. FOLEY:**

Second.

**P.O. POSTAL:**

Second.

**LEG. FOLEY:**

I'll second that.

**P.O. POSTAL:**

Second by Legislator Foley. All in favor? Opposed?

**MR. BARTON:**

16, 1 not present. (Not Present: Leg. Haley)

**D.P.O. CARACAPPA:**

Abstain. Abstain.

**P.O. POSTAL:**

1521 is approved.

**MR. BARTON:**

15, 1 abstention. (Not Present: Leg. Haley)

**P.O. POSTAL:**

**1523 (Approving the reappointment of James L. Stephens as a member of the Suffolk County Human Rights Commission).** Approved 6-0. Same motion, same second, same vote.

**1524 (Approving the reappointment of Nayyar Imam as a member of the Suffolk County Human Rights Commission).** Same motion --

**LEG. VILORIA-FISHER:**

Motion.

**P.O. POSTAL:**

A motion by Legislator Fisher, seconded by Legislator Foley. All in favor? Opposed?

**MR. BARTON:**

16, 1 not present. (Not Present: Leg. Haley)

**P.O. POSTAL:**

**1525 (Approving the reappointment of Patricia Hill Williams as a member of the Suffolk County Human Right Commission).**

**LEG. CARPENTER:**

Motion.

**P.O. POSTAL:**

Motion by -- was that Legislator Carpenter?

**LEG. CARPENTER:**

Carpenter.

**P.O. POSTAL:**

Seconded by myself. All in favor? Opposed?

**D.P.O. CARACAPPA:**

Abstention.

**P.O. POSTAL:**

Abstention by Legislator Caracappa.

**MR. BARTON:**

15. (Not Present: Leg. Haley)

**P.O. POSTAL:**

**1542 (Approving appointment of relative of County Employee at Suffolk County Community College (Betsy Pollert)).**

**LEG. VILORIA-FISHER:**

Motion.

**LEG. FOLEY:**

Second.

**P.O. POSTAL:**

A motion by Legislator -- was that Vilorina-Fisher?

**LEG. VILORIA-FISHER:**

Yes.

**LEG. GULDI:**

Motion.

**P.O. POSTAL:**

Second by Legislator Foley. All in favor? Opposed? 15 --

**LEG. CARACCILO:**

Abstain. Abstain.

**P.O. POSTAL:**

Abstention by Legislator Caracciolo. 1542 is approved.



**MR. BARTON:**

16, 1 abstention, 1 not present -- 15. 15, I'm sorry. (Not Present: Leg. Haley)

**P.O. POSTAL:**

**1546 (Electing a permanent exemption from sales and compensating use taxes for receipts from retail sales of, and consideration given or contracted to be given for, certain clothing and footwear).** It was approved 6-0-0-1. Legislator Caracciolo?

**LEG. CARACCIOLO:**

Motion to approve.

**P.O. POSTAL:**

Is there a second? Hearing no one --

**LEG. BINDER:**

Second, second.

**P.O. POSTAL:**

Second, Legislator Binder.

**LEG. BINDER:**

Sorry. I almost went to sleep.

**P.O. POSTAL:**

Okay. Roll call.

**LEG. BINDER:**

On the motion.

**P.O. POSTAL:**

On the motion, Legislator Binder.

**LEG. BINDER:**

I think there were a number of -- a number of people out there who can barely afford -- I mean, we may wave our hand and say, "Well, it's not that much money, it's only a few percent," but

these are necessities, and the fact is that Suffolk County shouldn't be taxing necessities. And when you get to the lower cost items that people have to buy, either for their kids, or seniors have to buy just to get around, this is not -- across the board, this is not where we should be taxing. And I think it was a good idea when we first did it, and I think it continues to be a good idea for individuals. I think it's a good idea for the economy to keep money in the economy. I think, across the board, it's the right thing to do.

And I would hope that we would make the exemption on sales tax for clothing a permanent feature in Suffolk County, so that people -- we would tell people, "This is where you come, whether to shop or to live," we are friendlier to people when it -- in terms of taxes. And we'll find a way to -- we'll find a way to fund it. It may take securitization, there may be different ways. But I think it's vitally important that we go forward with Legislator Caracciolo's resolution, and I would ask to be listed as a cosponsor on that.

**LEG. CARACCIOLO:**

Counsel.

**P.O. POSTAL:**

Legislator --

**LEG. CARACCIOLO:**

Oh, I'm sorry.

**P.O. POSTAL:**

Legislator Caracciolo.

**LEG. CARACCIOLO:**

Thank you.

**P.O. POSTAL:**

And then Legislator Lindsay.

**LEG. CARACCIOLO:**

Counsel, could you just provide a brief summary of why this resolution has to be considered? What is the time line that we are under? This is not something that is optional, that we could

come back and visit in the next 12 months, given the way the extension and the waiver of sales tax by the State Legislature was enacted.

**MR. SABATINO:**

As the State law is currently written in this particular State budget, if you wish to reinstate or bring back the sales tax exemption on clothing purchases of up to \$110 at the County level, as it was in 1999, beginning June 1st of 2004, you have to enact this type of legislation prior to July 18th of 2004. If you miss that deadline, and if the State doesn't change the law again between now and next

June 1st, then the next opportunity for the County Legislature to reinstate the permanent type exemption would be to act no later than December 1st of 2004, in which case the exemption, it would then come back beginning March 1st of 2005. So, in effect, you're debating eight months worth of exemption.

**LEG. CARACCILO:**

Now, I know there are those who believe that by doing so, it would cost the County millions of dollars in revenues. And I can recall the same nay-sayers, or similar nay-sayers, when we first talked about the exemption on sales tax on clothing in 1999, people saying, "Oh, if you do that, you know, you're going to hamstring the County's finances, you're not going to have the funds available to meet your obligations. Well, let's talk about meeting obligations. First and foremost, that's a County responsibility. We could cry foul all we like about the State government, and in this state, they have repeatedly and shamelessly passed down to local governments, particularly counties and cities, State unfunded mandates. But, as terrible as that sounds, what those who would be opposed to this permanent exemption fail to acknowledge is that, with respect to forecast, forecast by our own esteemed Budget Review Office, they are just that, forecasts.

And I don't know how many of you have gone back and periodically looked at the BRO forecast, but they're just a little bit better than the weatherman's forecast, with the exception of June, where the weatherman's been right. We've had 15 out of, so far, 24 days of rain.

The reason for that is they're making their best educated, and in their case, it is educated, so I want to exemplify my respect for the people who work in that office, but they could only provide information based on the information that's available at that time.

If you'll look at this from a macro economic viewpoint, what has continually driven the national

and state, and particularly local economies with respect to sales, retail sales, has been the consumers' ability to tap into very low borrowing costs for home refinancing, for home mortgages, even consumer debt is down to historic levels in terms of what it was just a few years ago. So the consumer, which provides two-thirds of the national gross domestic product, has continued to prime the pump that has enabled many retailers in this County and elsewhere to survive.

Now, you can ignore the facts, if you want. You can say, "Oh, my goodness, if we eliminate this 81 million dollars in sales tax revenues, it's going to be, you know, doomsday." That's nonsense. The record doesn't reflect that from 1999 to the present, doesn't reflect it at all. Instead, what we've seen is we've seen a shameless State government continue to increase unfunded State mandates, particularly in the area of Medicaid, where this year it went from 188 million dollars, part of -- portion of County budget, to 212. And, thankfully, the federal government, as a result of the recent passage of the new tax cut bill, has provided localities with some tax relief. And I just want to find out what that number is, because it's not insignificant. Wait a minute. Let me go to your report, Fred. There it is. I know the facts are boring.

**D.P.O. CARACAPPA:**

No, it's not the facts.

**LEG. BISHOP:**

It's the presentation

**P.O. POSTAL:**

Mike, do you want me to go to somebody else and come back to you?

**LEG. CARACCILO:**

No, no, no, I found it, I found it. As the BRO report of June 23rd indicates on Page 2, the federal government provided 20 billion dollars of relief to states for local share of welfare. Ten billion of this amount is {FMAP}, aid to reduce local Medicaid obligations for a 15-month period between April 1, 2003 and June 30th, 2004. Suffolk's projected benefit is an estimated 18.5 million dollar reduction in local share costs for Medicaid over the next 15 months. So we didn't get relief from Albany, no, we got more bills from Albany, but it was the Federal Government that gave us relief.

Now, speaking of relief, I'm happy to report, the same report by Budget Review Office indicated on Page 1 that, thanks to the sanity of the new State Comptroller, localities' contributions for pensions is going to be amortized, and, as a result, we will save here in this County 96.8 million dollars over the next two years. That's not insignificant.

Further, with the State's reinstatement of sales tax, which we didn't vote for, the State provided, they just said, "Well, we're going to repeal the sales tax on clothing and footwear," that provides an additional 42 million dollars. These are revenues I'm talking about, not expenses, these are new monies that we didn't have in the last BRO forecast back in November and January. They had no way of knowing these things would come to pass, but they have. Forty-two million dollars this year State reinstatement of sales tax. That's more money coming into the local treasury. And next year, it's 81.5, for a total of 123.5. How much money does this County need to operate?

Now, it's interesting, at the same time BRO comes out with that report, the same day, they come out with their periodic, or almost monthly now, 2003 filled position report, and this is where the County can tighten it's own belt, but never does, and what does it show? It shows that even though we had significant number of employees take advantage, I believe the number was 600 through the Early Retirement Incentive Program, guess what, we see creep, creep, creep, more people coming back on the payroll, and now we only have a net reduction of 207. That's where you save money.

**P.O. POSTAL:**

Well, we're just about at 12:30. And I hate to cut somebody short, so we're going to recess for lunch.

**MR. BARTON:**

Madam Chair.

**LEG. BISHOP:**

Until what time?

**P.O. POSTAL:**

2:30.

**MR. BARTON:**

Madam Chair. Madam Chair. Madam Chair, we've received -- we've received the County Executive's vetoes. He attaches two schedules which list the projects that he's restoring and the projects that he's eliminating. If we --

**P.O. POSTAL:**

Would you distribute those?

**MR. BARTON:**

We are in the process of photocopying them. If anybody would like the original document with the X's on it, we'll make it available, but it doesn't really provide any information, so I would like to save the paper, if I could.

**P.O. POSTAL:**

Is there anyone who wants a copy of the original document? No.

**LEG. ALDEN:**

As long as it's available.

**LEG. CARACCILO:**

Put me back on the list.

**P.O. POSTAL:**

I don't know. I don't know how Cameron Alden manages to maintain his sense of humor. Okay. Would you distribute those, please?

**MR. BARTON:**

Yes.

**P.O. POSTAL:**

And we are in recess until 2:30.

***[THE MEETING WAS RECESSED AT 12:30 P.M. AND RECONVENED AT 2:32 P.M.]***

**P.O. POSTAL:**

Would all Legislators please come to the auditorium. Mr. Clerk, are the publications and affidavits regarding the public hearings in order?

**MR. BARTON:**

Yes, they are.

**P.O. POSTAL:**

Thank you. First public hearing -- let me -- before I begin, Kathy Liguori came -- has come here to speak on a resolution that was -- she would have had the opportunity to speak on it during the public portion. It was already adopted, and I'm assuming that that was what she wanted us to do. But certainly, Ms. Liguori, if you like, you can submit your testimony to the Clerk of the Legislature and we'll distribute copies to all Legislators. The public portion is closed, so that you don't have the opportunity to actually speak, but you can submit your testimony.

But just for your information, the resolution was adopted, so, you know, if you were in favor of it, then you'll be very pleased to know that. If you were not, certainly, your testimony can still have value, should the bill be vetoed by the County Executive. So, please, know that you can prepare testimony and submit it to us.

We're going to go to the public hearings. Our first public hearing is ***Regarding Introductory Resolution No. 1423 - a Charter Law authorizing partial County funding of voluntary public financing for County elections through County contract processing fees.*** And there's one card, Philip Goldstein. Is it on?

**MR. GOLDSTEIN:**

Thank you, members of the Legislature. And for the benefit of Mr. Binder, I intend being here long after you are gone and I will persist in seeking public ownership of the electoral system. Though you may scoff at it, I did hear you on WLIE, and so on, and with all due respect, I would rather have the people own the electoral system than have vested interest of whatever type they may be, organizations, corporations, etcetera and so forth, who engage in legal bribery.

I think that if the public truly understood that they bear the burden of the cost, that when

contractors do business with government, as we have seen in the scandals that constantly erupt on the public scene, that built into the cost of any business that goes on with government is a fee to be imposed upon those who participate in these transactions in terms of subsequent campaign contributions. And I think that is scandalous, which it is; as I said, constant scandals occur. We have the recent one in Brookhaven where the allegations are being brought. I think it's 80 counts, that the Superintendent of Highways engaged in some kind of fiscal machinations in order to benefit contractors doing business with the Town.

The point very simply is that if the public clearly understood about public financing, if they were afforded the opportunity to understand that, in the long run, it may well be cheaper for them to pay the few cents, as is pointed up in some of these bills and the discussion that occurs, less than 50 cents per resident of Suffolk County, would more than suffice to cover the cost of public financing. And in this case, the bill submitted by my County Legislator, Legislator Fisher, she is calling upon those vested interests who have been benefiting by these relationships in which they engage to incur additional cost by paying a fee, a proportionate fee in terms of what they wrest from the County in the form of contracts, that some of that money flow into the public coffers and be used for public financing of campaigns. That may not be the best solution. There is another bill that is going to be discussed today that deals with the use of the General Fund taxes in that matter.

The important point is government must be returned to the people. I've said this time and time again. It will not be alien invaders, it will not be foreign ideologies, it will not be terrorists that bring this society to its knees, it will be the conduct of our own elected officials. You are undermining the people's faith in the institutions of government. We cannot manage to induce people to participate because they have no trust in the system any more. And so we've got to end this kind of illegal -- it's not illegal, unfortunately, but it comes down to that, immoral, all right, usurpation of government by those money who -- those people who have the money to buy the influence to determine the outcomes of government.

There are so many problems that you know that the people want addressed, but because vested interests see this as a threat, they refuse to allow government to act in the broader public interest. Thank you.

### **P.O. POSTAL:**

Thank you, Phil. There are no other cards. Is there anyone who would like to address the



Legislature on this public hearing? Hearing no one, motion to close by Legislator Vilorio-Fisher, seconded by Legislator Binder. All in favor? Opposed? **1423 is closed.**

***Public hearing Regarding Introductory Resolution No. 1479 - A Local Law to prohibit use of County resources to interfere with collective bargaining activities of unions in Suffolk County.*** Our first speaker is Philip Goldstein.

**MR. GOLDSTEIN:**

Thank you. I spoke with Legislator Lindsay with regard to this bill. My concern was the fact that within the body of the bill, I saw arbitration mentioned, and to me, this raised my hackles, because of what has happened in Suffolk County and in our neighboring Nassau County as a result of the imposition of arbitration. And though he assures me that the arbitration that's mentioned in this bill is not -- will not have the kind of impact that arbitration under the Taylor Law has had, to me, this -- the mere mention of the word, as I said, was unsettling.

I've spoken before about the fact that we seem to have forgotten that the American Revolution is all about no taxation without representation, and that arbitrators are unelected public officials who impose taxes upon us by raising the cost of government as a result of the settlements that they impose. And I know that the police contract is coming up and that certain actions have been taken, as, for example, to extend the contract, I believe, to four years as opposed to two years. I don't know whether that's good or bad. But the point very simply is the taxpayers have no means of holding anybody accountable with regard to arbitration. And I'll tell you, if I was sitting on the other side of that horseshoe where you are, I would have rebelled, literally rebelled against allowing the arbitrator to impose those costs upon the taxpayers of Suffolk County. I think it's time that you people put your foot down.

But going back to Mr. Lindsay's bill, he proclaims his bill to be a neutral bill designed to benefit the working persons in Suffolk County who are working in firms that do -- that have contracts with the County, and that in recent years, there has been a decline in the protection of the workers with regard to their ability to organize, and that this bill would assist those workers in that endeavor. And so in that regard, I would support his bill, although, as I said, I'm not a lawyer, but the mere mention of the word arbitration any place in a law causes me concern. So I would urge you to examine the bill carefully in that regard, but, otherwise, I would urge you to pass it, because I think the workers need the protection, given the current climate that exists in this nation and state.

**P.O. POSTAL:**

Thank you. The next speaker is Anthony Speelman.

**LEG. TONNA:**

Tony, what do you have to say?

**MR. SPEELMAN:**

Hey, Paul.

**LEG. VILORIA-FISHER:**

Trouble.

**MR. SPEELMAN:**

Usually. Good afternoon, Presiding Officer Postal, distinguished Legislators, and some of you, my friends, colleagues. I thank you for the opportunity to speak today. My name is Tony Speelman. I'm Political Director for United Food and Commercial Workers, and I'm also here today on behalf of the Long Island Federation of Labor. President Caffey is up in Albany on urgent business and couldn't be here today, but I am actually speaking for the Long Island Fed today.

Long Island Federation of Labor strongly supports the legislation you are considering, Bill Lindsay's bill, 1479. The primary aim of this legislation is to prevent companies from doing business with Suffolk County that expend funds that they receive from the County taxpayers on matters outside the purposes for which those expenditures are made. Quite honestly, the bill prevents union busting, which is what we consider it.

When Suffolk County Legislature makes the important decision to spend hard earned tax dollars, its citizens should be assured that those funds will be exclusive for a legitimate interest voted upon by this body. The Long Island Fed and its 200,000 members believe that this legislation will ultimately enslave taxpayers' -- the boss is beeping, sorry -- money and promote the welfare of working families throughout the County.

Under the current law, a private company doing business with Suffolk County may use any portion of the money it receives from the Suffolk County taxpayers to hire high priced law firms,

consultants, public relation firms who attempt to influence their employees' decisions on the merits of unionization. We submit to you that's not what taxpayer's money should be going for. Under Federal Law, the determination as to whether to join a union is solely the decision of working people. Still, many unscrupulous employers use illegal and immoral tactics, such as threats and false promises, to influence this decision.

The legislation before you puts to an end the improper conduct and stands for the principle that government should not use taxpayer dollars to subsidize these unrelated employer costs. The legislation does not prohibit employers from using their own funds to communicate with workers freely and fairly. It merely states that employers who wish to engage in campaigns that are either pro-union or anti-union will have to use their own money to do it and not use ours.

The Long Island Federation of Labor stands firmly behind this legislation, and I thank you, Bill, for introducing it on behalf of the labor movement. Thank you.

**P.O. POSTAL:**

Thank you.

***Applause***

**LEG. GULDI:**

Presiding Officer?

**P.O. POSTAL:**

Legislator Guldi?

**LEG. GULDI:**

Yeah, just have the Clerk's Office add me as a cosponsor to 1479.

**P.O. POSTAL:**

Henry, you have that? Okay.

**LEG. GULDI:**

Thank you.

**P.O. POSTAL:**

Next speaker is John Kennedy.

**MR. KENNEDY:**

Good afternoon, Members of the Legislature, Presiding Officer. I'm here representing the Nassau-Suffolk Building Trades and its 60,000 members. I'm here to -- workers have been exploited for the last hundred years, and one of the things that I think the Suffolk County Legislature has prided itself in is having a working relationship with organized labor. So it would seem that this bill would be in proper order to not be any kind of an impediment, or where the Legislature would get involved in, as was said before, in any kind of action that would restrain workers from representation.

I read the bill, I think that it's an excellent bill. It gives another layer of protection for people that might want to organize and people that would be subject to being exploited. So I would urge you on behalf of the Nassau-Suffolk Building Trades to, please, adopt the bill and pass the bill. Thank you.

**P.O. POSTAL:**

Thank you.

***Applause***

Thomas Germano?

**MR. GERMANO:**

Good afternoon, everyone. I'm Thomas Germano, PhD, Director of the Dowling College Labor Relations and Dispute Resolution Center, and I am here to support the bill for a number of reasons. One is because the original intent of both the Federal and the State laws was to provide an environment where workers, employees, as well as people, any workers, could organize without interference, without coercion, without interference, and research has shown that most attempts to organize are met by employer interference.

Now, one of the ways that this is or could be prevented is by having a component of the bill adopted, is the major -- the majority authorization card check, because that prevents confrontation and animosity that is costly, both in the short-term as well as long-term.

Whenever there's a confrontation between labor and management, it's not only an immediate confrontation, it has long-term, festering, non-productive components that go on and harm the working environment and the economic activities in an entire region. So the law, which is really based on, in some way, creating a level playing field, is something that if we didn't have the alternatives, and I don't want to get into a long discourse about arbitration, maybe because I'm an arbitrator, but the alternatives to dispute resolution like collective bargaining, which statistics show, when you have a collective bargaining relationship, 97% of the time the result is a negotiated agreement between the parties. I don't know of too many other things that work in this country or anywhere 97% of the time, and that 3% includes lock-outs, as well as strikes. So the alternatives to collective bargaining, to arbitration, to dispute resolution, really are things that we want to avoid, strikes, lock-outs and even litigation, which is long-time, long-term and expensive.

I think that we found in other studies that the union environments are more productive, they're safer, they improve and have higher quality overall, and they actually increase and improve the economic viability and standing of the community where unions and management exist harmoniously.

For me, another bottom line is that -- and this seems to be pretty obvious, you cannot take taxpayers' money and taxpayers' resources, which in the bottom line really is unfair to either labor or management. I mean, if you reversed this and said we want to use taxpayers' money and resources to go against an employer, an employer's attempt to speak out or organize, I think that would be an outcry. So you certainly cannot use taxpayers' money or resources to give an advantage to management, and especially when those funds are allocated or voted upon for another purpose.

I'm here really to say that the employer is not denied any right to express themselves by this bill, and the employees will be given rights that they have and should be guaranteed by both national and State law. I urge you to please pass this bill with all of its contents. Thank you.

***Applause***

**P.O. POSTAL:**

Thank you. {Rubois} Sanchez?

**MR. SANCHEZ:**

Good afternoon, Madam Chairman. Good afternoon, Legislators. My name is Ruben Sanchez and I'm an organizer for SEIU Local 32 BJ. Our local represents over 70,000 building service workers in the Tri-state area, 3,000 that live here in Long Island. We represent the building doormen, superintendents, the window cleaners, the porters and the office cleaners.

We are proud to stand with our fellow Long Island labor unions to support -- in support of the Suffolk County Neutrality bill. Our members do not want their hard-earned tax dollars to be used by companies to intimidate, threaten or scare workers from the federally guaranteed right to organize. This bill sends the right message, that if you want our tax dollars, you can't use them to violate the law. It's the worker's right to make the decision and our money can't be used to sway that decision. We hope that all the Legislators will support this bill and allow workers the ability to make the decision on their own. Thank you for your time and support.

***Applause***

**P.O. POSTAL:**

Thank you. And I apologize for mispronouncing your name. Next speaker is Anthony Pirozzi.

**MR. PIROZZI:**

Honored members of the Legislature, Presiding Officer, good afternoon. My name is Anthony Pirozzi and I am pleased to appear before you as a business agent and Trustee of Teamsters Local 282, and also a proud resident of Suffolk County.

The Local 282 Executive Board and its 4,000 plus membership stand firmly behind passage of Bill 1479, and we urge every member of the Legislature to support this bill. We thank the committee for its consideration of 1479, and we offer a special thanks to our brother and Honorable William Lindsay for his leadership in promoting this campaign for greater balance in the work place.

Local 282 notes that the neutrality and card check provisions of 1479 will align procurement practices in Suffolk County with those in the State as a whole. Thus, we believe that the passage of 1479 will stabilize and will not disrupt the operations of employers who do business with the County. The neutrality and card check rules will preserve employee free choice on the

question of unionization, and will protect employees from the threats and coercive tactics practiced by certain unscrupulous employers who seek to do business with the County on the back of their employees.

Local 282 respectfully submits that bill 1479 strikes a proper balance among and between the interests of business, labor and the citizens of this fine County. Local 282 urges adoption of this legislation. We thank you for the opportunity to express our support for 1479. Thank you.

**P.O. POSTAL:**

Thank you.

***Applause***

I have no more cards on this public hearing. Is there anyone else who would like to address the Legislature on this matter? Hearing --

**LEG. CARACAPPA:**

There's someone in the back.

**LEG. VILORI-FISHER:**

Someone in the back.

**MR. GADESE:**

Yes, right here.

**P.O. POSTAL:**

Oh. Come on up and give your name.

**MR. GADESE:**

My name is Pat Gadese, I'm with International Brotherhood Electrical Workers, Local Union 1049. Good afternoon. My name is Pat Gadese and I am the organizer for IBEW Local Union 1049. We represent approximately 2,700 members who are employed in the electric and gas utility industry. Can you hear me properly?

**LEG. FOLEY:**

That's fine.

**MR. GADESE:**

I would like to thank the Legislature for giving me the opportunity to provide testimony on Bill No. 1479. This bill will provide much needed legislation to prevent workers to exercise their legal right to form a union at their work place.

Union membership offers workers the ability to have a voice in their work place. The collective bargaining process is a protected right which provides unions members with a decent standard of living. Unorganized workers do not enjoy the same benefits that union members do, such as medical benefits, pension, right of due process through a grievance procedure, adequate safety standards, and work rules that ensure workers are not exploited, and dignity and respect. Employers that operate nonunion spend huge sums of money to fight against the workers' right to legally organize. They want to deal with their workers from a position of strength, they do not want to share power with their workers.

We at Local 1049 succeed in assisting workers in their efforts to organize, and we support businesses that recognize the workers' right to a union by bargaining collectively for fair working conditions, wages and benefits.

As Long Islanders, we know that the cost of living is high in our region. Working families continue to struggle to make ends meet. Collective bargaining must continue if we are to help workers achieve fair wages and benefits.

We need to prevent employers from using County funds to deny working families their legal right to union membership. Please pass bill 1479, as this legislation will help workers organize to keep wages and benefits consummate with rising costs. Thank you very much.

***Applause***

**P.O. POSTAL:**

Thank you. Legislator Lindsay.

**LEG. LINDSAY:**

Pat? Pat? Pat?



**P.O. POSTAL:**

Excuse me, Mr. Gadese?

**MR. GADESE:**

Yes.

**LEG. LINDSAY:**

Before you leave.

**P.O. POSTAL:**

Question.

**LEG. LINDSAY:**

I just want to conclude some remarks that were said earlier, and I'm going to use you as a sounding board to do it. Earlier on in the testimony, Mr. Goldstein talked about the binding arbitration clause in the contract and his concerns about it applying to County public employees. That is not what this bill is about. I would like the record to reflect that. What this bill is about is private sector organizing. And where binding arbitration comes in at all is in the process of what's called a card check. It's a simple process where employees exercise their Federal right to join a union of their choice by the simple act of signing an authorization card. Those cards are checked by an impartial arbitrator to make sure there's fairness, and to accelerate the process of whether a majority of the employees wish to be represented or not to be represented. And I just wanted the record to reflect that and I used you as a way of doing that. Thank you.

**MR. GADESE:**

Thanks, Bill.

**P.O. POSTAL:**

Thank you. I have no other cards on this public hearing. I can see there's someone who would like to address the Legislature. Just identify yourself, please.

**MR. PARRINGTON:**

Yes, Hi. My name is Jean Parrington, I'm a business rep for Local 25 IBEW. I wasn't going to speak at all and then I figured I might as well just say a few words.

I really believe union workers organizers/organizers union reps are faced with too many boundaries and restrictions. If nonunion workers had their voice heard, I think every one of them, it would be a no-brainer, they would take higher wages, benefits and everything else. Corporations are spending too much money keeping the people down, we all know that, I don't think we should use County funds to also deter them from joining the unions. Thank you.

**P.O. POSTAL:**

Thank you.

***Applause***

Did you have a question?

**LEG. LINDSAY:**

No.

**P.O. POSTAL:**

Okay. There are no other cards on this public hearing. Is there anyone else who would look to address the Legislature on this matter? Hearing no one, Bill, motion?

**LEG. LINDSAY:**

I make a motion to close.

**LEG. CARACAPPA:**

Second.

**P.O. POSTAL:**

Motion to close by Legislator Lindsay, seconded by Legislator Caracappa. All in favor? Opposed? The hearing on this, let's see, **1479 is closed.**

***Public Hearing Regarding Introductory Resolution No. 1486 - A Local Law to restrict land transactions with members of the Suffolk County Planning Commission.*** I have no cards on this hearing. Is there anyone who would like to address the Legislature on this matter? Hearing no one --

**LEG. FIELDS:**

Motion to close.

**P.O. POSTAL:**

Motion to close by Legislator Fields, seconded by Legislator Vloria-Fisher. All in favor?  
Opposed? **1479 is closed.**

**MS. BURKHARDT:**

1486. 1479 is the one you just closed.

**P.O. POSTAL:**

Oh, on 1486. Okay, sorry about that. Public Hearing regarding **Introductory Resolution Number 1531, approving the amended cross bay ferry license for Bay Shore Ferry, Incorporated.** The first speaker on this hearing is George Hafele.

**MR. HAFELE:**

Thank you, Madam Chairman. I have in front of me some handouts that I'd like to see if we could distribute these --

**P.O. POSTAL:**

Sure.

**MR. HAFELE:**

-- to the Legislators. Thank you very much. My name is George Hafele and I'm the President of Fire Island Ferries in Bay Shore. Today's public hearing is to consider a license modification for Bay Shore Ferry. The purpose of this modification is to increase the schedule of service and to amend their list of vessels to be used in the performance of that service. And, if things are as they seem, an increase of service to two Fire Island communities in some eyes might be considered healthy competition. However, things are not always as they seem.

First of all, the service contemplated here is not actually to the communities of Ocean Bay Park and Robins Rest, the service is actually provided to two nightclubs, Flynn's Casino in Ocean Bay Park and Tequila Jacks in Robins Rest. Nine a.m. and 10:20 a.m. trips from Bay Shore, seven days a week to two nightclubs, I don't see how that can benefit the communities, or for that

matter, even the nightclubs. However, in any event, Bay Shore Ferry, the license holder, is attempting to increase its schedule from nine trips per week, as stipulated in their current license, which was approved by the Legislature on April 29th of this year, to a requested 57 trips per week.

Something has happened over the past eight rainy weekends to convince Bay Shore Ferry that a 600% increase in service to two nightclubs is warranted. What changes could possible have taken place since.

April 29th to make this a matter of urgent necessity? And the answer is New York Waterway.

New York Waterway is the largest privately owned commuter ferry operator in the United States. Bay Shore ferry will attempt to convince you, that the -- will attempt to convince the Legislature they're merely leasing vessels from New York Waterway, but the fact of the matter is that the boats will be New York Waterway boats, the crews will be New York Waterway crews, the fares will be kept by New York Waterway and taken back to their corporate offices in New Jersey. Bay Shore Ferry in this case has become a bystander, and, in effect, they turn into a shell corporation, shielding New York Waterway from taxes, and more importantly, New York Waterway is now not compelled to expose their finances to the Budget Review Office, as would be the case had they applied for a license in Suffolk County on their own. But so what, Suffolk County loses a little revenue to New Jersey. Competition is a wonderful thing. But competition somewhat fair and somewhat balances what we strive for, and in this instance, I think we've fallen a little short.

New York Waterway has expanded their business through a series of grants and subsidies that in 2002 alone could operate a local school district for a full year. They have accepted \$360,000 from the World Trade Center Business Recovery Grant, which was earmarked for lower Manhattan businesses with losses related to the events of.

September 11th. And, indeed, there are -- I'm sorry. The reality is that in the months following the attack, with New York City's transportation infrastructures in shambles, Mr. Arthur. Imperatore, Jr., the President of New York Waterway, was quoted as saying the ridership had more than doubled in the weeks following 9/11. And, indeed, statistics in Forbes Magazine concur with.

Mr. Imperatore's assertions.

According to Forbes, in 2000, New York Waterway showed a net income of 2 million dollars on

37 million in revenues. By December of 2001, the company was, to quote Forbes, "awash in cash." Net income jumped to 5.8 million dollars on 47 million in revenues, yet somehow they qualified for and accepted a \$360,000 federal grant to businesses showing a loss due to 9/11. Welcome to the cartoon-like world of New York Waterway, where government dollars flow down the Hudson River.

Since March of 2002, New York Waterway has been receiving a 1.74 million dollar a month grant from FEMA. Currently, the U.S. Attorney's Office has investigated alleged billing irregularities, so that investigation is ongoing. But through these and other grants and subsidies, New York Waterway's fleet has grown from 23 vessels pre 9/11 to the current level of over 50 vessels, with more under construction in Alaska.

As new federally subsidized vessels are placed into service in New York Harbor, New York Waterway, using their new excess of ferry boats, is free to explore other ferry markets where competitors, not on the government dole, are forced to garner profits out of the fare boxes. New York Waterway seems to have found a place to reap benefits unavailable to local operators and that place is Suffolk County.

While local intrastate ferry operators are mandated to pay sales tax on purchases, New York Waterway, as a New Jersey based interstate conglomerate, has no such burden placed on their equipment that they will use in competition with local operators. To be permitted to avoid and 8 3/4% sales tax on a 1.5 million dollar vessel is an unprecedented advantage in Suffolk County. New York Waterway comes here with an ambitious schedule which covers --

**P.O. POSTAL:**

Excuse me, you're time is up. However, everyone will remember that members of the Legislature may ask questions during the public hearings.

**LEG. BINDER:**

Madam Chair.

**LEG. FOLEY:**

Madam Chair.

**P.O. POSTAL:**

Legislator Fields, then Legislator Binder, then Legislator Foley.

**LEG. FIELDS:**

May I ask if you have any other information to give to us?

**MR. HAFELE:**

Certainly. Thank you, Legislator Fields. New York Waterway has come here with an ambitious schedule, which covers the most desirable months of a short season.

Fire Island Ferries supplies year-round services to the Fire Island community and honors our Suffolk County Charter, while New York Waterway has no County Charter to honor. They will only operate in the height of the summer season, and then they will return to New Jersey. While Fire Island Ferries offers hurricane evacuation protection, New York Waterway will be back in New Jersey. When Fire Island Ferries provides year-round freight service to Fire Island, New York Waterway will be back in New Jersey. When we increase service for voters on Election Day, New York Waterway will again be back in New Jersey. When the profits end in September, New York Waterway will be back in New Jersey. And if the Suffolk County Legislature levels the field of competition by compelling New York Waterway to step out of the shadows and expose themselves to the rigors of the financial scrutiny of the Budget Review Office, I do think that New York Waterway will be back in New Jersey. And if anybody has any other questions.

**P.O. POSTAL:**

Legislator Lindsay.

**LEG. LINDSAY:**

What were the numbers again? They went -- they're requesting 57 trips a day; was that the number I heard?

**MR. HAFELE:**

The number of trips is an increase from nine trips per week to 57 trips per week.

**LEG. LINDSAY:**

Fifty-seven trips. What effect would that have on the other service providers to Fire Island?

**MR. HAFELE:**

I would imagine that they would steal ridership.

**D.P.O. CARACAPPA:**

Steal?

**MR. HAFELE:**

Bad word.

**LEG. LINDSAY:**

Well --

**MR. HAFELE:**

There would -- there would be -- it is an alternate service, yes. But they're -- what they're doing is they're running during the summer season only. And if you look at what Fire Island Ferries does in a year-round context, and our prices are based on that fact, they're coming in during the summer season and then they go home.

**LEG. LINDSAY:**

You'll make your money in the summertime and really subsidize the Island in the wintertime, is that it?

**MR. HAFELE:**

We tend to look at our business as a year-round business.

**LEG. LINDSAY:**

But, in fact, you do make most of your money in the summertime.

**MR. HAFELE:**

That's correct.

**LEG. LINDSAY:**

Thank you.

**P.O. POSTAL:**

Legislator Caracappa.

**D.P.O. CARACAPPA:**

Thanks. This information is all new to me, so give me a second to try to --

**MR. HAFELE:**

Certainly.

**D.P.O. CARACAPPA:**

And let me just ask some questions based on your testimony. So you're basically saying that the amended application is nothing more than New York -- did you say New York Waterway, is that the --

**MR. HAFELE:**

Yes, that's correct, yes.

**D.P.O. CARACAPPA:**

Coming in in an effort to avoid taxes and everything else that, of course, a private company goes through, through Bay Shore Ferry; is that your --

**MR. HAFELE:**

That's correct.

**D.P.O. CARACAPPA:**

And what --

**MR. HAFELE:**

That's my feelings.

**D.P.O. CARACAPPA:**

That's your feelings, it's not fact?

**MR. HAFELE:**

Well, it's a net effect.



**D.P.O. CARACAPPA:**

Because I want to know if it's fact or not, that's all.

**MR. HAFELE:**

It's a net effect.

**D.P.O. CARACAPPA:**

Do you know for a fact that the lease agreement for the extra boat, it's going to be the New Jersey crew coming and everyone else coming with that boat?

**MR. HAFELE:**

The last time I saw a copy of the lease was yesterday, and, yes, indeed, that was in the lease yesterday.

**D.P.O. CARACAPPA:**

Okay. Because I haven't seen that, that's why I'm asking the questions.

**MR. HAFELE:**

Okay.

**D.P.O. CARACAPPA:**

And it won't be run by Bay Shore Ferry's crew or local, local work force?

**MR. HAFELE:**

The captains and crew will be New York Waterways captains and crew.

**D.P.O. CARACAPPA:**

All right. And, again, that's, in your opinion, fact.

**MR. HAFELE:**

Yes, as I read the lease agreement yesterday, yes.

**D.P.O. CARACAPPA:**

Yeah, okay. I just wanted to put that on the record and ask you, as I will the operator when he

comes up.

**LEG. BINDER:**

Madam Chair.

**P.O. POSTAL:**

Legislator Foley.

**LEG. FOLEY:**

Thank you, Madam Chair. Thank you, Mr. Hafele, for coming here today. It's not often we see you in a tie and a jacket, so, I guess --

**MR. HAFELE:**

And it's not very comfortable either.

**LEG. FOLEY:**

Okay. All right.

**LEG. GULDI:**

Explain it to me.

**LEG. FOLEY:**

Certainly, you've raised some very troubling issues here today. As you say, it's your -- not only your contention, but you state that it's embodied in the lease proposal that the boats, the employees, and the profits do not stay, and we can hear from Mr. Hurley here on this later, don't so much stay locally, but, in fact, flow back to or flow to the New York Waterways; is that not correct?

**MR. HAFELE:**

As of yesterday, when I read the lease, yes, that's exactly what it is.

**LEG. FOLEY:**

Okay. Let me just ask the Budget Review Office, if, in fact, that's the case, did the Budget Review Office do any financial scrutiny of New York Waterways, or did you simply look at the

company that's applied for the -- that's applied for the service, Bay Shore Ferries? And -- well, that's the first question. You have to put the mike on.

**MR. POLLERT:**

The Budget Review Office didn't do any financial analysis of New York Waterways.

**LEG. FOLEY:**

Was there any due diligence on the -- done by the BRO with New York Waterways, or did you just simply look at Bay Shore Ferries?

**MR. POLLERT:**

There were a variety of conversations between members of the Budget Review Office, Legislative Counsel, and Bay Shore Ferry Company with respect to the terms and the conditions of the lease. I would defer to Legislative Counsel, who had a conversation yesterday with regard to that matter.

**LEG. FOLEY:**

Madam Chair, if we could hear from Counsel on this, please.

**MR. SABATINO:**

Well, the answer to your initial question about looking at the financials of New York Waterways, no, it would be irrelevant to the issue that was in front of us. The issue that was in front of us was, several weeks ago, I believe it was Memorial Day weekend, Budget Review and I think Clerk's Office, was contacted by Bay Shore Ferry with regard to what are the mechanics with regard to getting authorization for additional vessels to be used as part of the service to be provided and how the scheduling would work. We had an extensive conversation on that Friday afternoon, before Memorial Day weekend, in which I indicated to the applicant that the Legislature would have to authorize the proposed changes via a separate subsequent public hearing and a resolution.

The applicant was forthcoming in terms of providing all of the information. Ultimately, it came down to, I believe it was five additional vessels that were being proposed to be leased by Bay Shore Ferry. It's from a subsidiary corporation of New York Waterways. All we cared about from the standpoint of the Public Service review that Budget Review is really doing for the Legislature, and that the Legislature ultimately determines, is identification of the vessels, are

they coast guard certified, are they viable, will there be a specific schedule.

The reason the schedule expanded is because the -- I think the applicant was under the misimpression that the original -- that the original schedule that had been approved by the Legislature had a catchall clause in there, which made it sound to the applicant as though he could modify the schedule at will, and that was not the case. And when I pointed that out to the applicant, he complied with our request that we get specific times, dates and places. So, if you look at the new resolution, I mean, it's much more extensive in terms of detail than your normal application.

So, with regard to the schedule, I mean, the schedule is something you should be satisfied with, because it's totally, completely detailed, and it breaks it down by period of time. There's a period from the beginning of the application -- I'm sorry, the beginning of the license to Memorial Day, then Memorial Day, I think, to Labor Day, and then a post Labor Day schedule.

With regard to the lease itself, we had our final conversation yesterday, and there are just two outstanding -- most of the changes that we requested were incorporated, but there are still two outstanding changes, which --

**LEG. FOLEY:**

Hold on, Counsel. Counsel.

**MR. SABATINO:**

-- we want to see --

**LEG. FOLEY:**

Counsel, just one moment.

**MR. SABATINO:**

-- incorporated.

**LEG. FOLEY:**

Yeah, one moment. You said that, as of yesterday, there are some other changes that need to be incorporated into the bill; is that not correct?

**MR. SABATINO:**

There are two more changes that --

**LEG. FOLEY:**

Right. Well --

**MR. SABATINO:**

-- we suggested yesterday, which have not been incorporated.

**LEG. FOLEY:**

Now, with that said, then, we couldn't enact on the bill today since changes have to be made to the resolution.

**MR. SABATINO:**

No, it's not the resolution, it's the -- the resolution is in final form with regard to the terms and the conditions --

**LEG. FOLEY:**

Yes.

**MR. SABATINO:**

-- that we need for the authorization of the vehicles and the schedule.

**LEG. FOLEY:**

Right.

**MR. SABATINO:**

The vessels, rather, not the vehicles, the vessels. But with regard to the actual agreement that shows the five vessels and the terms and the conditions with the corporation, that's been an ongoing, you know, project. We've had several conversations over the last week, and as recently as yesterday, I had identified two additional changes for the lease document, the backup document itself that should be made. And effort was made, something was faxed over to me during the midday from Budget Review, and just looking at it, the language is not exactly perfect, but that's with regard to the lease agreement.

**LEG. FOLEY:**

Well, normally speaking, though, we review the lease agreement before we approve the legislation.

**MR. SABATINO:**

The applicant, when he appears, is going to have to, you know, reconcile that. If it gets concluded today, if the language is modified on the lease, the bill will be eligible. It will be up to you, you know, as to whether or not you feel comfortable with the concept. The concept is five vehicles -- five vessels, not vehicles, five vessels from a subsidiary of New York Waterways and a detailed schedule, which, if you look at it very carefully, breaks it down by period of time over the summer --

**LEG. FOLEY:**

Let me just follow up with that question, if I may, Madam Chair. I don't recall, and I stand to be corrected, I don't recall a time when we dealt with subsidiaries before with other ferry operators. If we have, I'm ready to be corrected on that. But from a regulatory point of view, if we are dealing with subsidiaries here, whether it's of a financial nature through the Budget Review Office, or through legal issues through Counsel, why would we not do some further due diligence and, let's say, even look at, review the subsidiary? Why are we simply looking at the -- I mean, if we do subsidiaries now, as far as ferry service, how far do we go into looking into that area, or do we?

**MR. SABATINO:**

I'll defer to Budget Review --

**LEG. FOLEY:**

Because, to me, that's new.

**MR. SABATINO:**

-- but I think that they cited two examples --

**LEG. FOLEY:**

I don't think we've done that --

**MR. SABATINO:**

-- to me in the past where we have had subsidiaries. I believe one is -- well, I don't want to speak for them, but I think one is on the East End and one was -- one was Sayville Ferry.

**LEG. FOLEY:**

Well, what's the precedent? Let's hear what the precedent is.

**MR. SABATINO:**

But I know that -- well, believe the two examples were cited to me where there were subsidiaries.

**LEG. FOLEY:**

Well, first, there could be subsidiaries within the same county, and there could also be subsidiaries that are in separate parts of the same state, so -- or in other states.

**MR. SPERO:**

Sayville Ferry rents its boats from a subsidiary corporation --

**LEG. FOLEY:**

From --

**MR. SPERO:**

-- owned by the same people.

**LEG. FOLEY:**

Correct, from the same people.

**MR. SPERO:**

It's a sister corporation.

**LEG. FOLEY:**

Right. But here we have two separate --

**MR. SPERO:**

This would be a different situation, because New York Waterways is obviously owned -- a

completely different company.

**LEG. FOLEY:**

Now, are they stationed in New York or are they stationed in New Jersey?

**MR. HAFELE:**

Their headquarters is Weehawken, New Jersey.

**LEG. FOLEY:**

Their corporate headquarters is in New Jersey.

**MR. HAFELE:**

Yes.

**LEG. FOLEY:**

So, it's an interstate subsidiary, if you will, as opposed to an intracounty subsidiary that we have in some other cases. Okay. Thank you.

**P.O. POSTAL:**

Legislator Viloría Fisher.

**LEG. VILORIA-FISHER:**

Hello.

**MR. HAFELE:**

Yes.

**LEG. VILORIA-FISHER:**

You've distributed some material, an article from the New York Times, dated April 18th, and you refer here to an investigation by federal authorities. Have there been any charges?

**MR. HAFELE:**

No, there haven't. The -- right now, the investigation is ongoing. And I couldn't -- I couldn't get anybody to characterize how the investigation is going and they won't comment on it until it's over.



**LEG. VILORIA-FISHER:**

Okay. What will the rate structure be on the Bay Shore Ferry, as opposed to the Fire Island Ferry?

**MR. HAFELE:**

I believe they're charging 50 cents less; is that correct?

**MR. HURLEY:**

Six dollars one way and \$11 round trip.

**MR. HAFELE:**

Fifty cents on the one way -- it would be 50 cents less on the one way and a dollar on a round trip with -- that they would be charging less than what our fare structure is.

**LEG. VILORIA-FISHER:**

Okay. Thank you.

**P.O. POSTAL:**

Legislator Binder.

**LEG. BINDER:**

Could you explain from your view how -- how this would work on the taxes, how they get around the taxes by being an out of state company? Because, obviously, you know, you see that, and I think rightfully so, as a problem in competition.

**MR. HAFELE:**

Excuse me. Fire Island Ferries, for instance, in the Year 2001, we built a 400 passenger vessel. The price tag on it was about

1.6 million dollars. And before the boat even came to Bay Shore, we had to write out a check to New York State for \$136,000 in sales tax, and that's a pretty good bite, considering the boat hasn't made a nickel for us yet. And in 2002, we built the freight boat America for 1.2 million dollars, and again, had to lay out a check of over \$100,000 for sales tax.

**LEG. BINDER:**

Did you buy that in Suffolk County?

**MR. HAFELE:**

Did we buy the vessels in Suffolk County?

**LEG. BINDER:**

Yeah. How does that work, because -- and I don't know how this works on the sales tax on a boat. I know if you buy a car, that you're from Suffolk County and you can buy it in Westchester, you still have to pay -- Suffolk County gets the sales tax on it.

**MR. HAFELE:**

Right, right.

**LEG. BINDER:**

I don't know if that works on marine vessels.

**MR. HAFELE:**

Well, as a New York State corporation, as a Suffolk County company, yes, you know, we do have to pay that. And the way to get around that would be, if we could, oh, say for instance register ourselves in Delaware, I don't --

**LEG. BINDER:**

No, no. I guess --

**MR. HAFELE:**

I'm not sure of the machinations of it.

**LEG. BINDER:**

Let me -- if I could ask Budget Review real quick. I don't know if they know the answer, but do you know if the tax money from a marine vessel bought from a Suffolk County company, as a car from the Suffolk County resident, does the sales tax flow back to Suffolk County, that percentage of it, for whatever percent? Is that the same as --

**MR. SPERO:**

It should flow back just at the same percentages that all other purchases are.

**LEG. BINDER:**

Okay. So the reason I just want to make that point is that when you bought a vessel as a Suffolk County company, Suffolk County actually benefited, the County itself --

**MR. HAFELE:**

Absolutely.

**LEG. BINDER:**

-- from half of that one million, so each one million, it's like a million dollars you've paid to Suffolk County in sales tax.

**MR. HAFELE:**

Actually, it's \$100,000 per vessel, but, yes, Suffolk County benefits, yes.

**LEG. BINDER:**

Sorry. Okay. Go ahead. So, since they bought the vessels outside, being in New Jersey --

**MR. HAFELE:**

New Jersey, the transportation companies in New Jersey don't pay any sales tax on their vessels or on any of the equipment that they buy for their vessels.

**LEG. BINDER:**

Okay.

**MR. HAFELE:**

They would be exempt from any -- you know, even though there are sales taxes in New Jersey, they're exempt from them as well, which is a benefit that maybe the Suffolk County Legislature could look at for a local transportation company. However, they don't pay sales tax at all.

**LEG. BINDER:**

Okay. So they don't --

**MR. HAFELE:**

Even in their own --

**LEG. BINDER:**

They don't pay sales tax, but they would have to charge tax for the service that they rendered here, that wouldn't change. It's just that they would have -- in other words, their overhead. You're saying the benefit they have is a lower overhead, because of the tax on the other end. But when they --

**MR. HAFELE:**

Right.

**LEG. BINDER:**

If they provided a service here, they have to charge tax like anyone else.

**MR. HAFELE:**

Hold on one second, if --

**MR. HURLEY:**

There is no sales tax ferry trips.

**LEG. BINDER:**

So there's no -- so there's no sales tax on the ferry trip.

**MR. HAFELE:**

I happened to bring our company accountant with us today, who could probably explain this better than I, if --

**LEG. BINDER:**

Well, if it's true, if there's no sales tax on the ferry trip, then so you're just saying their cost to operate from that standpoint is lower. So that's the question with taxes.

**MR. HAFELE:**

Right.

**LEG. BINDER:**

Because I just want to make it clear, because, when you talk about taxes, I want to know where they're saving it, and that would be the place.

**MR. HAFELE:**

Yes.

**LEG. BINDER:**

The vessels, you saw the lease, you're saying, and from at least the latest iteration of the lease. You said, from your view, what you saw, it was completely run by people outside of New York State, and that gives them, I think you said, because you did it pretty quickly, I understand, with time constraints, it sounded to me like you said that that gives them, by having people all outside, the ability not to show their books, not to do --

**MR. HAFELE:**

Because they're not -- because they're not a licensed ferry company in Suffolk County, they don't have to show their books to anybody. Bay Shore Ferry has gone through their process, but New York Waterway hasn't. And while New York Waterway is doing the collecting of the fares, the selling of the fares, Bay Shore Ferry has very little to do with that, aside from, I would assume, parking cars.

**LEG. BINDER:**

So your understanding is they get the money, they take it, and they probably do a percentage with Bay Shore.

**MR. HAFELE:**

I don't know that.

**LEG. BINDER:**

You don't know how that --

**MR. HAFELE:**

I don't what the business --

**LEG. BINDER:**

All right. So we're --

**MR. HAFELE:**

It's not -- that's not spelled out in the lease.

**LEG. BINDER:**

All right. We'll get an --

**MR. HAFELE:**

It is only spelled out --

**LEG. BINDER:**

We'll get an opportunity to ask that question. Okay.

**MR. HAFELE:**

Okay.

**LEG. BINDER:**

I just wanted to get the mechanics of how this -- from your perspective, what you saw. Now, how did you come upon being able to see the lease?

**MR. HAFELE:**

It was given to me by -- I requested it through Budget Review.

**LEG. BINDER:**

Okay. All right. So, now, do we have that here? Do we have whatever the latest iteration of the lease; is that available?

**MR. SABATINO:**

Yeah. It was just faxed over to me during the lunch break.

**LEG. BINDER:**

So that will be handed out, or has it been, or --

**MR. SABATINO:**

It can be. It hasn't.

**LEG. BINDER:**

I would ask that everyone be -- handed out to everyone, so I can take a look at what we're talking about. Thank you.

**MR. HAFELE:**

Okay. Thank you.

**P.O. POSTAL:**

Legislator Bishop.

**LEG. BISHOP:**

Hi. Thank you. Good afternoon. The basis of the charge that Bay Shore Ferry is just wearing a beard for this other company is -- what lease terms exactly leads you to that conclusion?

**MR. HAFELE:**

The fact that the money is being collected by New York Waterway, and that the --

**LEG. BISHOP:**

What do you mean is being collected? I mean, literally, they --

**MR. HAFELE:**

Well, again -- okay. Now I'm not privy to the lease that Counsel has in his hand right now, all right, so I would imagine that there could have been changes to it since I last read it yesterday. All right? Prior to that, New York Waterway, according to that lease, was selling the tickets, collecting the tickets, charging an additional fare for people who walked on without a ticket, which wasn't in their fare structure.

**LEG. BISHOP:**

What do you mean they're selling it, you mean their employees are in the booth, their employees are on the boat, and their employees are counting the money?

**MR. HAFELE:**

I don't know what the mechanics of it are, if there's going to be a booth, if there's going to be a

machine, where the tickets are sold. But, according to the lease, New York Waterway was in charge of the money and the ticket collection, and would report back to Bay Shore Ferry at the end of the weekend as to how many passengers they carried and then try to reconcile that with the amount of dollars they took in.

**LEG. BISHOP:**

Okay. So that they would be running the boats, in other words.

**MR. HAFELE:**

Yes.

**LEG. BISHOP:**

Okay. And they would be running the back office, apparently, as well. And, basically, Bay Shore Ferries just existed to provide the parking lot and the license, and that's what you're --

**MR. HAFELE:**

That's what my assertion is.

**LEG. BISHOP:**

And that's your assertion from reading the actual lease document.

**MR. HAFELE:**

Yes.

**LEG. BISHOP:**

Okay. That's clear.

**MR. HAFELE:**

Okay.

**LEG. BISHOP:**

Counsel, I'm always -- I've raised this issue before, because it's always confused me, as to what our role is as a de facto Public Service Commission. Here we have a situation where, if you take the allegations as presented as true, you have a company that is receiving a dubious subsidy, perhaps illegal subsidy, and then using the windfall from that subsidy to operate in competition



to the existing ferry company here. Should we care about that under our charge?

**MR. SABATINO:**

The things you have to care about are, just to go through it, is you want to make certain that there's -- what's being proposed will provide reliable and adequate ferry service for the passengers. So that means you want to be certain that the vessels are capable of providing the service that's contemplated. That's why we make a big deal about Coast Guard certifications and have done for --

**LEG. BISHOP:**

Okay. That's clear, reliable and adequate service. Okay.

**MR. SABATINO:**

Reliable and adequate service. Then, on the fair structure side of it, you want to make sure that the fares themselves are deemed to be reasonable and fair, meaning F-A-I-R as opposed to F-A-R-E, both to the --

**LEG. BISHOP:**

Fair fares.

**MR. SABATINO:**

-- licensee as well as to the consumer. Now, in considering -- those are two basic charges that you've got, looking at the fare structure to make sure that it's fair and reasonable, and looking at the adequate and reliable service. You have to take into account as much information as you can get your hands on. From the standpoint of --

**LEG. BISHOP:**

Now, can I just --

**MR. SABATINO:**

-- looking at the overhead --

**LEG. BISHOP:**

Can I cut you off there?

**MR. SABATINO:**

Okay.

**LEG. BISHOP:**

The two things you just laid out, now that's embodied in a statute somewhere, or is that just the practice? I mean, is that -- are we told by the State or by the County Charter that that's the limit of our purview?

**MR. SABATINO:**

Well, that's the -- when you read the State statute together with the County statute that attempted to codify the procedures, that's the essence of what those four statutes say, right.

**LEG. BISHOP:**

Okay. So reliable and adequate, and then the fares are reasonable, fair fares. Given that, we would have no -- the issue raised by Fire Island Ferries is outside our charge. But, yet, they would make an argument that if this is allowed to occur and this is wrong, that it would undermine their ability to exist, and, ultimately, the public would be harmed. Would we still -- using that rationale, would --

**MR. SABATINO:**

That you should not care about.

**LEG. BISHOP:**

We don't care about that.

**MR. SABATINO:**

That's the essence of competition. The essence of competition is that one competitor may be able to drive another competitor either out of business or to a lower level of profit margin. That we don't care about.

**LEG. BISHOP:**

Well, where is Fire Island Ferries to take their grievance, then?

**MR. SABATINO:**

Well, they're entitled -- let me just back up. The purpose of this hearing, okay, and the reason

that, you know, we insisted that the applicant go through it is to give everyone, including the public, the opportunity to comment on what's being proposed. So they're clearly within their rights to bring whatever information they think is pertinent to the attention of Legislators. It's for Legislators sitting as a Public Service Commission in a meeting form to consider the information, deliberate, assess, evaluate it, whatever.

Some of the points they bring up would be more relevant than others. The issue about the tax, I mean, putting aside the fact that you'd have to get an analysis and evaluation as to whether or not what they're saying is correct. I mean, if they found a way to lower their overhead and that reduces prices for consumers --

**LEG. BISHOP:**

Can I -- let me just make --

**MR. SABATINO:**

-- you know, that's not something that you would challenge or criticize, it would be a factor that would go into how they got to the calculation. But, I mean, that to me wouldn't be a relevant issue. But the other issues -- other issues that have been raised are interesting and to some degree they're relevant.

**LEG. BISHOP:**

When the real Public Service Commission at the State level regulates, I think that they, from -- and I'm not an expert on it, just from observation and from reading about their actions, they would consider something along the lines of the ongoing health of the industry in their deliberations in there. But you're saying that we don't have that charge in our -- we wear more -- we wear blinders, we're to look at these two, just these two factors alone.

**MR. SABATINO:**

Those are the only factors that you're charged with.

**LEG. BISHOP:**

Okay. I just want to be clear, because it's -- you know, it's an issue that --

**MR. SABATINO:**

Well, adequate and reliable service. But, I mean, for example, when you get to adequate and

reliable service, if you -- if you authorize the fare structure, if you authorize the fare structure that was below the cost of the licensee, and that would virtually guarantee that the licensee would be unable to provide the service, then, I mean, you've got to consider that --

**LEG. BISHOP:**

No. I think --

**MR. SABATINO:**

It's not the health of the industry at large, it's -- you know, it would be --

**LEG. BISHOP:**

I don't think that's the issue that they're raising. What they're saying is that it's dirty pool and they're the victims of it. But when I ask you about what our charge is, it's like we can't do anything about it, it's outside our --

**MR. SABATINO:**

I mean, unless -- illegality is one thing, competitive advantage is a different thing. If they're arguing somebody's got a competitive advantage because they're creative, that's not something that you can factor in.

**LEG. BISHOP:**

All right. I thank you. I thank you for your time. I want to ask.

Mr. Hafele a question. What would be a fair system to promote competition. Do you welcome competition on the bay?

**MR. HAFELE:**

Absolutely. Absolutely, as long as we're on the same playing field in terms of the twelve months of service, freight service, being available for hurricane evacuations, the things that are important to the people who live on Fire Island are the thing that are most important. To come in in the height of the season, provide service and then leave while skimming -- or skimming is not the right word, but while taking -- taking a profit off the busiest part of the season and leaving us with the unprofitable part is -- and that's a creation of the Legislature right now, should this license be approved, that's -- in effect, that's what you've created.

**LEG. BISHOP:**

You've been told that you have to provide year-round service?

**MR. HAFELE:**

It's part of our County Charter and our license, yes.

**LEG. BISHOP:**

I mean, that's something that we -- that we imposed on you, or is that something --

**MR. HAFELE:**

Well, no, that's a condition --

**LEG. BISHOP:**

-- that you said you were willing to take on?

**MR. HAFELE:**

It's a condition of our business that we --

**LEG. BISHOP:**

But they have a different business model, isn't that --

**MR. HAFELE:**

Well, I think, possibly, we would have to look into, maybe with our licenses, is going to a six-month season. I don't think that the residents of Fire Island would benefit from that.

**LEG. BISHOP:**

No, of course not. I understand that.

**MR. HAFELE:**

I fail to see what your -- what your question is, then. I thought that was it.

**LEG. BISHOP:**

Well, you're telling me that you would welcome competition, but they would have to play by the same terms that you play by, they have to provide 12-month service. So that's the issue, if they provided 12-month service and cargo, you would welcome the competition?

**MR. HAFELE:**

Yes, on a fair and balanced playing field, sure.

**LEG. BISHOP:**

So that's the one issue, to get to fair and balanced. I want to get to fair and balanced, so how would I do that? That's what I'm trying to --

**MR. HAFELE:**

Okay. You would pay sales taxes on the vessels that you purchase. All right? You would provide service year-round. You would provide -- you'd be out there in snowstorms, which is one of the conditions that we continue to work. It is an entire comprehensive look at the transportation needs for the people of Fire Island.

**LEG. BISHOP:**

Okay. Thank you very much.

**MR. HAFELE:**

Okay.

**P.O. POSTAL:**

Legislator Alden.

**LEG. ALDEN:**

Thanks for coming down. I just have a couple of questions to basically look at your expertise. You looked at the -- this agreement as it existed yesterday, but do you remember in their provisions of where these boats are going to be docked?

**MR. HAFELE:**

Docked when not in use?

**LEG. ALDEN:**

Right.

**MR. HAFELE:**

No, I didn't see anything in there.

**LEG. ALDEN:**

Okay.

**MR. HAFELE:**

I don't recall anything.

**LEG. ALDEN:**

Okay. I'll have to wait, then, until we're actually debating the bill, because all my other questions actually relate to different subjects, so thanks.

**P.O. POSTAL:**

Legislator Lindsay, and then Legislator Caracciolo.

**LEG. LINDSAY:**

We talked before about the request to increase to 57 trips a week. In your opinion, is that an oversaturation of the market? Can the riding public -- do we need 57 more trips a week?

**MR. HAFELE:**

I hesitate to answer that, because, if they run with three or four people on a boat and provide that extra service, it's beneficial to those three or four people.

**LEG. LINDSAY:**

Okay. But is the --

**MR. HAFELE:**

Very costly to the ferry company, but --

**LEG. LINDSAY:**

Is the demand there for that many more trips, vessels?

**MR. HAFELE:**

In my opinion, no.

**LEG. LINDSAY:**

Okay. I'm looking for your opinion, that's all.

**MR. HAFELE:**

Okay. Thank you.

**LEG. CARACCILO:**

You represent the Fire Island --

**MR. HAFELE:**

Fire Island Ferries, yes.

**LEG. CARACCILO:**

Okay. And how long have you been in business?

**MR. HAFELE:**

Fire Island Ferries has been in business for 55 years.

**LEG. CARACCILO:**

And this is a company that's wholly owned and operated by whom?

**MR. HAFELE:**

By Ed Mooney.

**LEG. CARACCILO:**

It's a private --

**MR. HAFELE:**

Privately owned company.

**LEG. CARACCILO:**

Privately held.

**MR. HAFELE:**

Yes.



**LEG. CARACCILO:**

Okay. It's not a public corporation.

**MR. HAFELE:**

No, sir.

**LEG. CARACCILO:**

Okay. The company is providing just passenger service?

**MR. HAFELE:**

No, sir, passenger or freight service.

**LEG. CARACCILO:**

Okay. Not vehicle.

**MR. HAFELE:**

On a limited basis, yes, construction.

**LEG. CARACCILO:**

Okay. And I understand.

**MR. HAFELE:**

Yes.

**LEG. CARACCILO:**

To bring over --

**MR. HAFELE:**

Yeah.

**LEG. CARACCILO:**

-- supplies and goods --

**MR. HAFELE:**

Yes, sir.

**LEG. CARACCILO:**

-- and things of that nature. And you operate year-round, you said.

**MR. HAFELE:**

Yes.

**LEG. CARACCILO:**

One of the conditions of your operating license is that you operate year-round, or that's just a practice that you've -- I mean, obviously, you need year-round approval if you're doing that, but is that because you requested it years ago, because there is, even though a small population, a population that may need to be evacuated at any time during the year?

**MR. HAFELE:**

Yes. We submitted as part of our licensing procedure the same as Bay Shore Ferry, is we submit a schedule of service. And the schedule of service that we submitted, which becomes part of our license, it's there and we provide that service. We don't actually have scheduled service during the winter months because of the capricious nature of the weather, but we do provide it, even though it's not part of the license.

**LEG. CARACCILO:**

Okay. Just help me out with your fare schedule and what it is, and what kind of increases you've had or experienced in the last ten years.

**MR. HAFELE:**

Right now, our fare structure is \$6.50 one way and 12.50 round trip. We received a fare increase 1998 or -- I forget exactly what it was, about four or five years ago. And in going through that, I think that we raised the fares about seven or eight percent. The previous fare increase was approximately four years earlier, and that was about a six percent increase.

**LEG. CARACCILO:**

The primary cost of doing business, would it be employee and employee benefit costs, would it be vessel maintenance and repair?

**MR. HAFELE:**

Oh, absolutely, are --

**LEG. CARACCIOLO:**

How would you break it down by category?

**MR. HAFELE:**

Our biggest expense, the same as most businesses, is the --

**LEG. CARACCIOLO:**

Personnel costs.

**MR. HAFELE:**

It's our payroll.

**LEG. CARACCIOLO:**

Right.

**MR. HAFELE:**

We have highly skilled and, in most cases, highly paid captains and deckhands.

**LEG. CARACCIOLO:**

Are they unionized?

**MR. HAFELE:**

No, they're not.

**LEG. CARACCIOLO:**

They're not. And with respect to that portion of your entire operating budget, what percentage of the total would that reflect, the personnel or payroll cost?

**MR. HAFELE:**

I'm sorry. I'm looking at our accountant right now, who is --

**LEG. CARACCILO:**

If he doesn't know, we're in --

**MR. HAFELE:**

-- as stumped as I am. I don't know what the percentage is at this time. I could look it up. I can get back to you.

**LEG. CARACCILO:**

I realize there are other employees here and you may not want them to know, but this is a public record and it's important.

**MR. HAFELE:**

I don't have that information at hand, but I would be happy to pass that on to you when I can get it.

**LEG. CARACCILO:**

All right. If you could, because I realize it's a privately held company, and, obviously, there are officers of the company that are also remunerated?

**MR. HAFELE:**

Yes.

**LEG. CARACCILO:**

Okay. And what type of labor wage agreement increases have you experienced in recent times, in the last three years?

**MR. HAFELE:**

I believe that our -- we work on the merit increase system. It varies from employee to employee. We don't have a collective bargaining agreement, but we do have a rather large contingent of people who've been with the company for 15, 18, 20, up to 45 years, so they continue to accrue benefits and salary over the course of those years. So their salaries are considerably higher than, for instance, somebody who just started.

**LEG. CARACCILO:**

That's understandable.

**MR. HAFELE:**

So --

**LEG. CARACCILO:**

Let's say a starting -- a seasonal employee. I mean, obviously --

**MR. HAFELE:**

A seasonal employee, a seasonal captain is \$20 an hour. A seasonal deckhand for entry level is minimum wage, and for other deckhands goes up to eleven, twelve, and in some cases a little bit more an hour, mostly high school and college kids.

**LEG. CARACCILO:**

Okay. Have you had any labor management relation issues that have reached the point where it might have interrupted service?

**MR. HAFELE:**

No.

**LEG. CARACCILO:**

No. Okay.

**P.O. POSTAL:**

Mike.

**LEG. CARACCILO:**

Yes.

**P.O. POSTAL:**

Can interrupt you for a minute?

**LEG. CARACCILO:**

I'm just trying to get a size and scope of the --

**P.O. POSTAL:**

And I understand.

**LEG. CARACCIOLO:**

-- the company.

**P.O. POSTAL:**

I just think you might prefer --

**LEG. CARACCIOLO:**

I want to get to the New York Waterways issue next, and then that's really, I think, at the essence of --

**P.O. POSTAL:**

Okay. Because I was going to suggest that any of these other issues might be issues you could discuss privately.

**LEG. CARACCIOLO:**

Yeah, and I'll do that.

**MR. HAFELE:**

Fine.

**LEG. CARACCIOLO:**

I'd like to have your business card before you leave.

**MR. HAFELE:**

Absolutely.

**LEG. CARACCIOLO:**

Okay. With respect to the allegations in these articles, including the printout from Channel -- News 12 New Jersey, which most people are not aware, they cover the Tri-State area, Connecticut, New Jersey, and the Island, what is the status of this federal investigation? Now, this is the competitor that you were eluding to in your testimony, and you feel would have an

unfair advantage against your business.

**MR. HAFELE:**

Yes, sir.

**LEG. CARACCILOLO:**

Okay.

**MR. HAFELE:**

All right. The level of the investigation, or as I stated before, I can't get anybody to characterize how the investigation is going, aside from the fact that it is ongoing. That's all I was able to garner from the U.S. Attorney's Office.

**LEG. CARACCILOLO:**

Are they presently in business elsewhere in Suffolk County?

**MR. HAFELE:**

New York Waterway?

**LEG. CARACCILOLO:**

Yes.

**MR. HAFELE:**

Not to my knowledge, no.

**LEG. CARACCILOLO:**

Okay. Because I wasn't aware that they were either.

**MR. HAFELE:**

No.

**LEG. CARACCILOLO:**

So, I'm just curious if, you know, they're trying to make a footprint here in Fire Island and then maybe expand from there. And at the core of, I guess, the allegations is that they double-billed

the Federal Emergency Management Agency; correct?

**MR. HAFELE:**

Yes.

**LEG. CARACCILO:**

FEMA.

**MR. HAFELE:**

Uh-huh.

**LEG. CARACCILO:**

Okay. And how long has this been ongoing? I see this story is written in the Times in April; is that about when this --

**MR. HAFELE:**

New York Waterway was served with subpoenas on April 11th of this year.

**LEG. CARACCILO:**

All right. And just to go back to some of the questions that Legislator Bishop raised, this is to -- for Counsel, with respect to our scope in this hearing and our consideration of the resolution, I heard what you said, that, you know, we have jurisdiction with respect to them providing safe and reliable service, we have, obviously, some jurisdiction as to fair fares, F-A-I-R fares; okay? What this witness has testified to, should that be the subject of any overriding concern?

**MR. SABATINO:**

Let me just take it backwards in terms of the analysis. The interesting point I think is that the one issue you should focus on, which is the five vessels, is precisely what, you know, I had communicated to the applicants, would be the issue the Legislature would, by necessity, have to focus on, which is do you have a comfort level that the licensee that you're dealing with is going to be able to provide that level of safe, reliable and adequate service based on the vessels that are being proposed, and would the Legislature, again, in its capacity as a mini public service commission, be comfortable with the notion that a third party was going to be providing those vessels. So, to the extent that there's a focus on that aspect of the issue, it's totally legitimate, it's within your purview, and it was really the purpose of the hearing. And, quite frankly, it's



what I really zeroed in on with all of the applicants and made it clear to them they would have to make a compelling case to convince this body that it made sense to go that route.

With regard to the issue about the scheduling, I, quite frankly, don't see what -- I mean, other than the fact they're entitled to make the observation that there's going to be 57 trips, I mean, it's interesting to hear that, but I really don't see what point is being made. You'd have to assess and evaluate that as you see fit.

With regard to the allegation of the investigation, yeah, it's an interesting point again, and it's -- they're entitled to bring it to your attention. I would just point out, the only precedent we've got is that Fire Island Ferries, which is making the accusation, was a subject matter of an investigation that actually resulted ultimately in a finding, I believe, that some -- well, it resulted in penalties or sanctions being imposed against one of the principals. But during the period of time that there was a pending investigation, and I believe it was pending in -- at the local as well as at the federal level, the Legislature continued to grant licenses, but they put them on a short leash. So, instead of giving the five-year license, there was like an 18 month or 12 month at a time license.

So, the only precedent I can give you is that one other time it happened to be Fire Island Ferries was the subject matter of an investigation, and it was important that you know that, because, in that case, the Legislature uncovered the alleged improprieties, but it was something you factored into your votes when you did 18-month or 12-month, or whatever, lease extensions. So, yes, it's -- it should be considered, but, as I stated before, the only time it's been considered, that was the way it was dealt with.

**LEG. CARACCILO:**

Okay. That particular reference you just made goes back, I guess, to what, '95, '96.

**MR. SABATINO:**

Actually, it started --

**LEG. CARACCILO:**

Or was it before that?

**MR. SABATINO:**

It started in '91 or '92. I recall it was like a three or four year period.

**LEG. CARACCIOLO:**

I remember Legislator Finlay sitting there, so I'm trying to remember when he left. I guess it was, yes --

**MR. SABATINO:**

Well, it was Legislator Theile was the sponsor -- I'm sorry, was Chairman of the committee that had jurisdiction, so former Legislator Theile would go back to the --

**LEG. CARACCIOLO:**

Early '90's.

**MR. SABATINO:**

Early -- late 1980's, early '90's.

**LEG. CARACCIOLO:**

Yeah.

**MR. SABATINO:**

We could look it up, but it's --

**LEG. CARACCIOLO:**

Okay. All right. As far as cash controls in your business, and by comparison, New York Waterways, what can you tell us about both? And, obviously, you know your system. What's their system?

**MR. HAFELE:**

Their system, from what I've read in the lease, is going to be that they're going to sell the tickets and collect them on board. Anybody who doesn't have a ticket when they get on board has to pay a stipend over the top of the cost of the ticket. And other than that, I really don't know what their -- how they plan on physically collecting the tickets and fares.

**LEG. CARACCIOLO:**

Okay. The ticket, now, is the receipt for the purchaser; correct?

**MR. HAFELE:**

For New York Waterway or for Fire Island Ferries?

**LEG. CARACCILO:**

Well, obviously, you have that system, right.

**MR. HAFELE:**

Yes.

**LEG. CARACCILO:**

I know that.

**MR. HAFELE:**

Okay.

**LEG. CARACCILO:**

It goes back to --

**MR. HAFELE:**

Yes, 1988.

**LEG. CARACCILO:**

Yeah, yeah. But what about New York Waterways?

**MR. HAFELE:**

I really don't know the -- you know, physically, how they're going to work it. I don't know what their tickets look like, I haven't seen their system, I have just seen it described in their lease.

**LEG. CARACCILO:**

Now, are they subject to New York Waterways, Paul? Are they subject to any oversight or jurisdiction by the County, or are they -- if they are exempt, how are they exempt?

**MR. SABATINO:**

Well, the -- no. The licensee is still going to be Bay Shore Ferry. The only reason that this New York Waterway issue has arisen is because five of the vessels, I believe -- I mean, I have to defer to the applicant making his own presentation, but I believe that there are two other vessels, plus these five vessels are limited to a certain, you know, schedule. I think they're limited to the Friday through Sunday schedule, if I remember correctly, so at the other times, the other vessels would be the vessels being used. But, in terms of -- I mean, New York Waterway is not the licensee, they're just providing vessels to the actual licensee, so, no, they wouldn't be under our direct jurisdiction or regulation.

**LEG. CARACCILO:**

All right. So then, as far as that business relationship, what relevance would that have or what bearing would that have on the issuance of a license to the Bay Shore --

**MR. SABATINO:**

Well, I think two things. One is it's being disclosed. I mean, the concern I would have had would have been if this would have happened without disclosure, because then this would have not have been something that was actually authorized. Those vessels would not have been vessels that were specifically identified in the original application and which received the authorization of the Legislature to go forward. So, from a legal standpoint, the disclosure and the explicit authorization are absolutely essential.

You know, from the second standpoint, again, you have to make an assessment and evaluation, does the fact that New York Waterway, with whatever -- you know, whatever reputation is associated with that, or with whatever, you know, facts are associated with that, give you a comfort level with regard to the reliability of the five vessels being provided as opposed to them only having two vessels. So, yes, it's important -- it's important to consider it, but you consider it in the context of does hearing about it make you feel less comfortable or more comfortable with regard to the ability of the licensee to carry out the mandate of the license?

**LEG. CARACCILO:**

Okay. Now how about the cash control issue? Who here can speak to that?

**MR. SABATINO:**

Well, that was one of the issues that was from yesterday, which Budget Review was addressing and I -- well --

**LEG. CARACCILO:**

Fred, could you --

**MR. SABATINO:**

If you look at the page, the page where there's some mark-ups on page --

**MR. POLLERT:**

Three.

**MR. SABATINO:**

Page --

**MR. POLLERT:**

Three.

**MR. SABATINO:**

On Page 3, that was basic -- well, what you see handwritten are the changes that we had talked about yesterday.

**LEG. CARACCILO:**

I don't have a copy of that.

**MR. SABATINO:**

It was handed out a few minutes ago. .

**LEG. FOLEY:**

It was just handed out right now.

**MR. SABATINO:**

But that particular issue, I'll defer to Budget Review, because that was language that I asked them to develop that would be consistent with what's being done in other County ferry license situations, so we'd have some consistency.

**LEG. CARACCILO:**

Fred, do you want to say anything on this?

**MR. POLLERT:**

It's a sequential duplex system. It's a basic cash control that would be acceptable to the Budget Review Office, and it is used by other ferry companies as well.

**LEG. CARACCILO:**

So you're satisfied that this doesn't leave any room for error or theft of services?

**MR. POLLERT:**

Well, there's always room for error and theft of services, but the lease appears to provide adequate safeguards to the Budget Review Office that you will have a record of the cash. The lease agreement also requires the captain to keep true and accurate records. The Coast Guard requires that as well. That can be verified by the Budget Review Office.

**LEG. CARACCILO:**

Okay. The final question I have is --

**MR. SABATINO:**

Just one other point I just remembered, which is that in the earlier resolution at Legislator, I think it was, Alden's request, we put additional certification language, and subject to penalty of perjury with regard to records, which it predates -- it predates these amended applications. But this particular licensee will have an additional level of scrutiny that's not been applicable to others.

**LEG. CARACCILO:**

All right. Is there anything in this agreement with these changes that leave you wanting in terms of what may be should have been in here that's not?

**MR. SABATINO:**

Well, no. When the applicant comes up, what I -- the changes that are handwritten have not been incorporated, and that's what we -- I'm going to ask the applicant why not. I mean that was the question I was saving for when --

**LEG. CARACCILO:**

Okay.

**MR. SABATINO:**

When he gets up.

**LEG. CARACCILO:**

The New York Waterways operation, I understand they're a very large operation, 57 vessel, or something like that. Have they ever been involved in any adverse incidents, accidents, injuries, claims?

**MR. HAFELE:**

Yes. As a matter of fact, the New York Waterway had a fire on one of their vessels, which has prompted the Transportation Safety Board to work with the Coast Guard in terms of investigation and mitigation of problems in marine accidents. It's the first time anybody other than the Coast Guard has ever investigated a marine accident. So, in part, because of New York Waterways, the -- we now have another level of oversight with regard to investigation and mitigation of accidents. They had a fire on board where they -- there was a series of problems with it and wound up in a loss of the vessel.

**LEG. CARACCILO:**

No injury to or --

**MR. HAFELE:**

No. They had another ferry boat close by and evacuated the passengers and crew off it.

**LEG. CARACCILO:**

And this was in New York Harbor?

**MR. HAFELE:**

This was in New York Harbor in the Hudson River.

**LEG. CARACCILO:**

And how recently?

**MR. HAFELE:**

The year two -- I believe it was 2000.

**LEG. CARACCIOLO:**

Okay. Thank you.

**P.O. POSTAL:**

Okay. Next speaker on this hearing -- thank you -- is Tim Mooney. Tim Mooney?

**MR. MOONEY:**

**I'll pass, thank you.**

**P.O. POSTAL:**

Edwin Mooney.

**MR. MOONEY:**

May I pass until Ned Hurley speaks, please?

**P.O. POSTAL:**

Well, you either go now or you forfeit your time. Now, this is Tim Mooney.

**LEG. FIELDS:**

No, Ed.

**MR. MOONEY:**

No, I'm Edwin.

**P.O. POSTAL:**

Edwin.

**MR. MOONEY:**

Edwin Mooney.

**P.O. POSTAL:**

All right.



**MR. MOONEY:**

Tim Mooney is my son.

**P.O. POSTAL:**

No problem.

**MR. MOONEY:**

I'm Edwin Mooney and I'm the CEO of Fire Island Ferries, and I've worked there since 1948.

A couple of things I'd like to correct. The problem with my partner occurred in 1989, and myself reported it to the County, and the County did not expose it. It was my report to the County, my report to the IRS, my report to the bank, and we paid a -- we paid the IRS on what we suspected was unreported earnings.

Another thing that happens is when school starts, we'll see many of the summer residents, the weekenders and the people going over for just the weekend or the daytrippers leave, and we will be -- the ridership then will go back to the homeowners on weekends, and they pay \$4.87 a trip. They buy a forty trip and it's almost exclusive. That's what we -- so, as opposed to our competition with six dollars, we -- our ridership is now down to 4.87.

So I just -- and the other thing that -- with the ownership, eight years ago, I sold 35% of my stock that was wholly owned by myself to my help. So George Hafele and the other captains that are here and year-rounders, there are about 35 of them, are now -- we are now an ESOP. So about 35 members of my company or that work for me are stockholders now.

And to be -- and as far as competition goes, if I have to put a boat up that I paid \$136,000 in sales -- New York State sales tax against a vessel that was purchased with FEMA money for the same amount and not pay a sales tax, and they received the money free from the taxpayers of this country. That's very difficult to start to talk about fair competition when that happens. And when they're going to run maybe four months of the year at the most at the \$6 while we're running the other rest of the year at that basically 4.87, it's not true competition. Competition will be when somebody comes up with a boat, paying the sales tax, and paying the boat out of their earnings like we've had to do.

All of the boats we've purchased were purchased with earnings, and many times, that's why we

had to come before you for a fair increase, to get -- to make those mortgage and principal interest payments on sales tax. The sales tax is so high, you have to put that in with your mortgage. When you borrow your money, you borrow your sales tax money, too. So, we are now paying interest on these boats, and principal and the ongoing sales tax. That's all I have. Thank you very much.

**P.O. POSTAL:**

There's a question by Legislator Carpenter.

**LEG. CARPENTER:**

Hi, Mr. Mooney. When you purchase the fuel for your vessels, where do you purchase it?

**MR. MOONEY:**

It's a -- the outfit has just changed hands, but I believe it comes out of Inwood.

**LEG. CARPENTER:**

But it's here on Long Island.

**MR. MOONEY:**

On Long Island, yes, definitely.

**LEG. CARPENTER:**

Okay.

**MR. MOONEY:**

Long Island, definitely.

**LEG. CARPENTER:**

All right. And when you have to make repairs to your vessels, if you have to replace an engine, do you pay sales tax on that?

**MR. MOONEY:**

Yes, we do. We buy that out of Ronkonkoma. And the competition can buy an engine, and engine's go anywhere from, oh, 68,000 up to 120,000 an engine, and we pay a sales tax on that engine. But if he had a terminal in New Jersey, and under Jersey law they don't pay a sales tax,

he certainly would pay -- buy a new engine there and install it in his vessel, and if that vessel were able to come out here in competition with me, again, he's got a heck of an -- you know, 8 3/4% advantage over me. And there are many years that we didn't show a profit at all, or we showed a 1 1/2 or 2% profit, I mean, 8 1/2, . 8 3/4%. If I could buy my radars and whatever I need, rope, paint, anything in New Jersey and not pay a sales tax under their code, it would be a an awful nice advantage to us.

**LEG. CARPENTER:**

How many employees do you have during the height of the season?

**MR. MOONEY:**

Fire Island Ferries probably gets up to about 125.

**LEG. CARPENTER:**

And are they basically Suffolk County or Long Island residents?

**MR. MOONEY:**

All Long Islanders. Most of our deckhands start out at 16 years old, where they're most likely a junior in high school. They work for us while they're a junior and senior, go off to college. It's not unusual to have deckhands become captains when they're 19 years old. The intelligent ones or aggressive ones become captains, they can't do it before 19 years old, and then they stay with us, and while they're in college for another three years. And these fellows -- if they've stayed locally, they work -- they like to come back and work for us. In the summer, we have 22 part-time captains that work in the summertime for us that have degrees, doctorates, MBA's, podiatrist, and accountants and so on, and attorneys, and they come back and work maybe one, two, three days a week in the summer for us. But we put a lot of children, a lot of people through college by working summers for us.

**LEG. CARPENTER:**

Thank you.

**LEG. FIELDS:**

Mr. Mooney.

**MR. MOONEY:**

Oh, hi.

**LEG. FIELDS:**

Hi. Do you still have the partner that you turned in?

**MR. MOONEY:**

No, no. He was removed very quickly.

**LEG. FIELDS:**

Okay. Thank you.

**P.O. POSTAL:**

Thank you very much.

**LEG. ALDEN:**

I just have a question.

**LEG. FIELDS:**

Cameron.

**P.O. POSTAL:**

Oh, I'm sorry. Legislator Alden.

**LEG. ALDEN:**

Is it fair to say there's been a number of times that you've had to evacuate the barrier beach because of either storms or hurricanes?

**MR. MOONEY:**

Fortunately, we haven't had to do it for a few years now, but we're always ready and we always have a hurricane evacuation plan in place, and we update it every year with a list of phone numbers to call. But in many cases, when the evacuation starts, the crews show up without being called, they just -- you know, they know the hurricane's coming, so we have a full --

**LEG. ALDEN:**

Because they're local, most of them, like your crews are local?

**MR. MOONEY:**

Oh, they're all very close, very close to the ferry, yes.

**LEG. ALDEN:**

And hurricane season stretches from what -- it's August through until --

**MR. MOONEY:**

June, starts in June.

**LEG. ALDEN:**

June. And it goes through until October?

**MR. MOONEY:**

Through October.

**LEG. ALDEN:**

Okay. Thank you.

**P.O. POSTAL:**

Okay. Thank you. Okay. Ned Hurley. Did you say --

**MR. HURLEY:**

Hi. I'm Ned Hurley, the President of the Bay Shore Ferry.

**P.O. POSTAL:**

Would you just speak into the microphone, please?

**MR. HURLEY:**

Sure. I think I've seen all of you many times. A couple of things that I think before I get into this lease, which seems to be spun quite incorrectly by many people today.

I tried to this winter apply for the rights to the Saltaire ferry license and I put in a proposal, one

to run their parking lot and one to provide their ferry service. Their ferry service was for 12 months. So -- and I put in two proposals once, and then they came back and said, "Can you do better?" So I did better. And I then had a FOIL request where I requested the information from all the bids that were received on that bid, and I might add that I was the only person who bid in writing, but I didn't receive the bid.

So I just want to make it perfectly clear that I am trying to run a 12-month service, and I have made my best efforts, and I will provide that FOIL to anybody who wishes to see that, so that they know that I am trying to do a 12-month service.

As far as misinformation, I think the first part we can talk about is I run the Bay Shore Ferry Company, not New York Waterway. I'm leasing a boat from them, and I'm actually getting an extremely good deal that anybody who is a business person would say, "I will take that deal," because what it does is it takes the risk out of my back pocket in financial terms and says to you -- it allows me -- it says -- here's the meat of it is I run my boat, the Resolute, which is approved, Monday, Tuesday, Wednesday, Thursday, Friday morning until about 12 noon. I then have a boat come from New York City, okay, comes up, pulls in, and then does my route Friday for five or six runs until I think it's 9:30 or 10 o'clock at night. Of course, I can't find the schedule. Anyway, maybe 10 o'clock at night is the last run it does. So I am not providing a bar crowd service, which some people seem to believe I am doing.

I might add that my competitors are offering a bar crowd service, because they run a one a.m. scheduled boat; okay? So it's ludicrous to think that I am providing service to bar crowd patrons when my service stops at 10 o'clock. I could make a lot more money running this boat scheduled 11, 12, 12:30, so that is just not true and misinformation.

The lease itself, specifically, so that I can just highlight the points that I think are very important, and I thought that I'd put everything that I had talked to the Counsel for your -- the Legislature here in, and if I missed something, I will add it, if you want it. Okay? I am not agreeable to not adding anything here.

The owner, okay, or I am the charter, the charter is responsible for overseeing -- I have to find it here. It's Clause Number 4. That's where you all want to go if you want to read what the meat of payment for this thing is. Actually, it's not. Of course it's not, it would be too easy.

**D.P.O. CARACAPPA:**

Page 3?.

**MR. HURLEY:**

Okay. It's actually -- it's 1-C. "Charter to be responsible for all personal injury or damage caused by a passenger either to embarkation or after disembarkation for a vessel. The Bay Shore Ferry shall be responsible for supervising and overseeing the operation of owner's vessel." Okay. I'm overseeing it. I'm in the line of fire. If something happens, I'm getting the bullet; okay?

"It is understood that the charter is responsible for all events occurring before a passenger embarks on a vessel or after a passenger disembarks from a vessel. Charter shall maintain general liability in the amount of 5 million dollars." I have insurance to cover all these expenses. I am the one who sells the tickets. If you go to Number 4 here, I don't know what this was all about here. You come into my parking lot, I have a ticket booth, I sell those tickets. Once in awhile, someone gets past me and gets on the boat without getting a ticket. It just happens. The Long Island Railroad, you've done it, I've done it. That, I have to have some system to collect that ticket to give the guy, you know, money, so what I have is duplicate {sequestered} system ticket that they can buy from the crew on that boat. So, yes, there are a few tickets that are going to be sold by employees of New York Waterway, because I am paying them back for this little service here.

I have a ticket booth that I'm putting up in Ocean Bay Park that -- so people, when they come up, I'm selling them tickets on that side. I have logs that I am going to have a video camera, that video camera tapes everybody coming on and off this vessel. There is no -- I of all people want to know more than anybody how many people are going on this vessel, because it's my -- my -- on the line here. If I don't accurately reflect how many people are riding that boat, I'm the one who's going to pay the pipe here. Okay. It's not that money is going to disappear. I won't allow that, because I'm not keeping this money, they're going to keep that money. But it's only for 32 days of a charter. Okay?

This is not an agreement that lasts for a lifetime. This gets me to a point, so next year I can say, "You know what, I am actually going to go buy a vessel, because I can afford one." And I'm going to say, "You know what, I can afford to buy a vessel that is 150 or 250, depending on what I have found. And I am actually finding out this summer what that competition I can bring

to the plate is. Maybe there won't be any competition. Maybe I won't buy a boat because it won't be worth it, but at least I'll have an idea exactly what's going on. Okay?

It's extremely difficult to start against someone who has capital that is -- obviously, if they're buying a 1.6 million dollar boat and a

1.3 million dollar boat, I know they're paying -- you know, they're complaining about the sale tax, but you've to have money if you're buying a boat that costs that much. You just don't go and say, "I'm going to buy this boat" unless you're making money. Okay? No one buys something unless they can afford to buy it, unless you're a bad businessman. I don't think they're bad businessmen. I think they're nice people. I've spoken to them, I enjoy their company. But it's misrepresentation to think that New York Waterway is running my service.

I have a boat that, yes, it has one boat that comes in, one boat, 149 passengers that comes in, works from Friday afternoon through Sunday evening, does not work late, and then goes back to New York Harbor. You know, I'm going to see what's going on out there. I don't know. That's the best step I can do without me going and buying a boat before I know what's up. It makes more sense to lease a boat. And now the millions of questions, please.

**LEG. BINDER:**

Madam Chair. Madam Chair.

**LEG. CRECCA:**

I was going on the top.

**LEG. BINDER:**

Doesn't matter, whatever.

**P.O. POSTAL:**

You are on top. Legislator Crecca.

**LEG. CRECCA:**

Thanks. Question for you. And it's been awhile since I lived on the South Shore, so -- but --

**LEG. CARACCILOLO:**

Stay on the North Shore.



**LEG. CRECCA:**

-- if you -- I heard that. If you're running the service Monday through Friday -- Thursday with your own boats --

**MR. HURLEY:**

Friday morning.

**LEG. CRECCA:**

Friday morning, I'm sorry.

**MR. HURLEY:**

Monday, Tuesday, Wednesday, Thursday, Friday at about one o'clock is the last boat.

**LEG. CRECCA:**

Were you not providing any service from Friday at noon to Sunday night before --

**MR. HURLEY:**

No, no, I am providing, the Bay Shore Ferry is providing service, it's just a boat that I do not own, a crew that --

**LEG. CRECCA:**

I know. I understand what you're trying to do, but we gave you a license a few weeks ago, or April 29th, I guess it was.

**MR. HURLEY:**

Yeah. This is a charter. It's a very common -- okay, sorry.

**LEG. CRECCA:**

My question is, is the license that we gave you on April 29th, you were running that with your own boat?

**MR. HURLEY:**

Yes.

**LEG. CRECCA:**

Okay.

**MR. HURLEY:**

Yeah.

**LEG. CRECCA:**

So why the need to bring in this outside boat?

**MR. HURLEY:**

Because I don't -- I have a forty-five passenger boat. It makes no sense to start a service where you can't -- where I show up to the dock and I have 75 people standing on the dock. That makes no sense. I think, also, maybe people don't seem to understand, is in Bay Shore I own at least 25% of the car park spaces. So, when you go to Maple Avenue, I pay \$120,000 a year in real estate taxes. That's \$350 a day, okay, in real estate taxes. And it's just -- part of this -- and I think it's \$86,000 I pay in school tax area. So, you know, I'm definitely throwing money back into the area. This is not, you know, some guy who doesn't employ people on the payroll, doesn't pay taxes, doesn't have sales tax that I -- it's a very --

**LEG. CRECCA:**

Again, well, it's really way outside the scope of my question. I'm trying to --

**MR. HURLEY:**

It's all right. Okay.

**LEG. CRECCA:**

-- get an understanding here or something. So the boat your 45 -- you only have the one 45 passenger boat?

**MR. HURLEY:**

That is correct.

**LEG. CRECCA:**

So what, if your boat breaks down, you don't have another mode of transportation or --

**MR. HURLEY:**

Unfortunately, I'm going to have to get that boat working. No, I don't. That's the problem. That's why I can't -- yes, that is a problem.

**LEG. CRECCA:**

So, when we --

**MR. HURLEY:**

I am well aware of that problem.

**LEG. CRECCA:**

I'm just confused. Budget Review, when we approved the license on April 29th, we approved if just for the one boat then?

**MR. HURLEY:**

There was a second boat that --

**MR. POLLERT:**

Actually, there was supposed to be a second boat that didn't have the Coast Guard certification, I believe.

**MR. HURLEY:**

And when was my license approved that -- June 24th.

**LEG. CRECCA:**

I'm sorry, June 24th. I apologize. April -- but --

**MR. HURLEY:**

So I applied in -- on -- I think the date of my proposal was December something, and through the machinations of this place, I didn't even get approved until June 24th.

**LEG. LINDSAY:**

Today is June 24th.

**MR. HURLEY:**

Not -- May 24th, was it? So I didn't have any -- you know, I didn't have the wherewithal to say, "You know what, I'm going to go in advance and build that boat out," gambling that I'm going to get my license, because I couldn't -- I can't predict I'm going to get -- I don't know what's going to happen when I come up here.

**LEG. CRECCA:**

Nobody does, believe me.

**MR. SABATINO:**

I think it was May 13th, just to correct the record.

**LEG. CRECCA:**

Okay. And my other question is, I'm a little confused about.

Paragraph 4, I guess it is.

**MR. HURLEY:**

Okay, yeah.

**LEG. CRECCA:**

What -- I go and I buy a ticket for --

**MR. HURLEY:**

You're going to buy a ticket from me.

**LEG. CRECCA:**

Yes, I do.

**MR. HURLEY:**

Bay Shore Ferry.

**LEG. CRECCA:**

I buy a ticket from you. It says that the -- it says that 100% of the ticket fares --

**MR. HURLEY:**

On tickets, here you go. On tickets that are taken on that boat, meaning the chartered boat, so

if you're -- let's say you have the boat. It's -- listen, it's my poor English, I apologize. If you get -- but it legally states, if you get on the boat, you collect a ticket --

**LEG. CRECCA:**

I'm not talking about that.

**MR. HURLEY:**

Okay.

**LEG. CRECCA:**

I understand that.

**LEG. BISHOP:**

Well, that's what that refers to, that whole paragraph.

**LEG. CRECCA:**

That whole Paragraph 4 doesn't -- but it refers to what you're paying to lease the vessel.

**MR. HURLEY:**

Yeah, to lease the vessel, I have to pay someone, it's not like I'm free.

**LEG. CRECCA:**

Right. So what are you paying, you're paying --

**MR. HURLEY:**

I'm going to pay them the revenue that that boat, okay, generates, in a sense.

**LEG. CRECCA:**

So you're going to give up all your revenue for the entire weekend, from 12 o'clock noon on Friday to Sunday night?

**MR. HURLEY:**

Absolutely. And it's a very good deal.

**LEG. CRECCA:**

How is that a good -- that's what I guess I was confused about.

**MR. HURLEY:**

Because, if you are me and you're a businessman and you want to see -- you're going fishing, okay, you're going to take a hook and you're going to throw it out there. And like let's say we had the weather we just had. How much business do you think I would have done in the last month, if I was running that big boat out there?

**D.P.O. CARACAPPA:**

It's a pay-as-you-go type of mentality.

**MR. HURLEY:**

How much am I -- truthfully.

**LEG. BISHOP:**

Yeah. But, Ned, how are you making money?

**LEG. CRECCA:**

But how are you making money if they're getting --

**MR. HURLEY:**

Well, I run the boat. My boat runs during first the morning, okay, so it's recognition of the Bay Shore Ferry. This big boat comes and people are going to see it. They're going to encourage to go on my boat, they're going to know my parking lot, they're going to -- they're going to say, "This is better," and it's going to leap-frog me to a state where I can compete with this company. I can't compete with this company with a forty-five passenger boat. It's ludicrous to think that I could.

**LEG. FOLEY:**

Why was that on your application?

**LEG. ALDEN:**

Hold it.

**MR. HURLEY:**

No, no, no.

**MR. HURLEY:**

My -- what's that?

**LEG. FOLEY:**

I'll wait.

**D.P.O. CARACAPPA:**

Legislator Crecca, you have the floor.

**LEG. CRECCA:**

Thank you. So, basically, you were willing to give up -- and, again, you're the businessman.

**MR. HURLEY:**

For 32 days.

**LEG. CRECCA:**

When you say 32 days, when does it run from, when to when?

**MR. HURLEY:**

It's 32 day time charter, that's it. There is no more than --

**LEG. CRECCA:**

I'm sorry, say that again.

**MR. HURLEY:**

It's 32 days of time charter.

**LEG. CRECCA:**

Oh, you mean if you add all the weekends up.

**MR. HURLEY:**

That's it, it's 32 days.

**LEG. CRECCA:**

I would assume the weekend's your heaviest traffic, though, but --

**MR. HURLEY:**

Maybe they won't take my boat. Maybe they don't want to go where I'm going.

**LEG. CARACCILO:**

Depends on the weather.

**MR. HURLEY:**

And what happens if it rains every weekend? And let's say I say, "Okay, I'll give you" -- "I'll give you \$300,000" and I only bring in 200,000, I've lost 100,000 on my gamble. I'd rather have zero, you know, risk, sell the tickets, pay the \$6,000, pay the extra \$6,000 in costs that it gets for me to have insurance to cover this operation, and at the end of the season, say, "You know what, this is the dollars that I brought in." This is how I get from A to B, and I understand exactly the road I'm going to drive down, as opposed to I'm going to risk a million-and-a-half dollars, I'm going to buy a boat that maybe I don't use or don't need, and I'm going to go bankrupt. I'm not going to do that to myself. I'm going to methodically go from A to B, and that's how I -- and this is the way I'm going.

I bought this property five years ago at public auction. I zoned the property for ferry license. I've come to you constantly to change my licenses, to get licenses, to be approved. I have been absolutely up front in front of you every single time, every step of the way, except for there have been moments where I must admit, I am not perfect. I wish that I had, you know, in the beginning I believe I ran for a little bit where I had my problems and they were self brought on, and I was told this is not the way it is, and now I am trying to do it the way it's supposed to be done. I -- truthfully, I am not perfect, never have been, try to be.

**LEG. CRECCA:**

Thank you. I'm done, Joe.

**D.P.O. CARACAPPA:**

Legislator Alden's next.



**LEG. ALDEN:**

Hi. So, just to follow up a little bit on what Legislator Crecca started off on, the employees -- and this is just for this extension part of your license, to change.

**MR. HURLEY:**

Yeah.

**LEG. ALDEN:**

The employees that will be operating that -- and it's going to be one boat that you're chartering.

**MR. HURLEY:**

One boat. It's a -- just so you'd understand, is they have so many of this type of boat, they have 12, and these boats, you know, sometimes they break and stuff, just like mine could break.

**LEG. ALDEN:**

Well, that's why you have a list of five on it.

**MR. HURLEY:**

And that's why I have five.

**LEG. ALDEN:**

Right.

**MR. HURLEY:**

But I will only be using one at a time, never more.

**LEG. ALDEN:**

Okay. The employees are from New Jersey?

**MR. HURLEY:**

Those people will be -- you know, I don't know. Actually, lots of them are from Sheepshead Bay.

**LEG. ALDEN:**

Okay. Because --

**MR. HURLEY:**

No. Lots of the employees are from Sheepshead Bay. I do know that for a fact.

**LEG. ALDEN:**

And I only had a couple of minutes to read this, but it looks like that the owner of the vessels -- the owner of the vessel, he's --

**MR. HURLEY:**

It's Port Imperial Ferry Corporation of New Jersey, there's no doubt about that.

**LEG. ALDEN:**

Okay. So, I'm going to -- as long as you're making that assumption, I'm going to make an assumption then, that their employees, and they're going to be employees in New Jersey, so they probably won't be subject to any payroll taxes of New York or any of that kind of stuff.

**MR. HURLEY:**

I don't -- I don't know the laws of someone who lives in Sheepshead Bay and works for a corporation in New Jersey, but who works out on Long Island. I don't know if you are subject to commuter taxes.

**LEG. ALDEN:**

Well, there's maritime laws that cover that, but, you know --

**MR. HURLEY:**

But I don't know. I don't know. I'm truthfully telling you I don't know.

**LEG. ALDEN:**

All right. Is the lease -- now, similar to a car lease in Suffolk County, do you know if this lease is subject to sales tax?

**MR. HURLEY:**

A lease is subject to a sales tax.

**LEG. ALDEN:**

Well, similar to a car lease, if you go and lease a car in Suffolk County --

**MR. HURLEY:**

Okay.

**LEG. ALDEN:**

-- you have to pay sales tax in Suffolk County on the lease. Is this lease -- you're leasing a vessel. Do you know if this lease is subject to sales tax?

**MR. HURLEY:**

I don't believe so, but I will get a legal opinion. If it is, I'll pay it.

**LEG. ALDEN:**

Okay. And your testimony actually is that all aspects really of the business operation of that -- this extra ferry really have to be carried on by -- it's a subsidiary of New York Waterways, right? Except for like what you do before they enter the boat, every other aspect is actually --

**MR. HURLEY:**

Overseeing, making sure -- like, as an example, I believe the 9:30 boat coming out of Flynn's at night on like a Saturday night is probably going to be crowded, so I have to absolutely sell advanced tickets for that boat, so that I don't have people waiting at the dock. I don't want 250 people waiting for my last boat out of Flynn's at 9:30, I don't want that. So I have to actively like manage the ticket sales, make sure that people know there's no boat after 9:30 and get them on there, and make sure they're notified and have staff to oversee this. This is not like this fly-in-the-wind kind of thing, it's very complex, and I am trying to make it work. And I probably -- the first week, I'm probably going to leave some people on the dock. I hope not. Maybe no one will ride my boat, too.

**LEG. ALDEN:**

Having just seen this for the first -- this is a first impression of this lease, I'm a little bit troubled that, you know, the crew doesn't even answer to you. The captain of the boat doesn't --

**MR. HURLEY:**

The captain answers to me. I'm allowed to get rid of the captain.

**LEG. ALDEN:**

No, he actually doesn't. And you should read your own lease, then, because the captain doesn't. And there's -- almost every other aspect of the business operation is covered by the owner of the vessel, not by you, so that actually troubles me a little bit in that you're asking for an extension and that whole extension is covered by somebody that actually operates out of New Jersey. And, as you just testified, and it wasn't clear before that, but 100% of the revenue generated by these operations is actually going to go to a corporation from New Jersey. So it does give the appearance, at first blush, and I'll look into it a little bit more, but at first blush, it does give the appearance that, you know -- not that your advocating any control or anything like that, but you're bringing in somebody else and allowing them to run kind of on your license. So I'm going look at it a little bit more closely and I'm going to read this again, but those are the troubling things that I find out of it.

**D.P.O. CARACAPPA:**

Legislator Lindsay.

**LEG. LINDSAY:**

Sorry, we have to go over this again, but --

**MR. HURLEY:**

No problem.

**LEG. LINDSAY:**

You're the owner of Bay Shore Ferry.

**MR. HURLEY:**

That's correct.

**LEG. LINDSAY:**

All right. You own one boat.

**MR. HURLEY:**

I own one boat today.

**LEG. LINDSAY:**

How many employees do you have?

**MR. HURLEY:**

The Bay Shore Ferry?

**LEG. LINDSAY:**

Yeah.

**MR. HURLEY:**

Has three.

**LEG. LINDSAY:**

Okay.

**MR. HURLEY:**

Two crew, one captain.

**LEG. LINDSAY:**

New York Waterway own Bay Shore Ferry?

**MR. HURLEY:**

New York Waterway has no ownership in Bay Shore Ferry.

**LEG. LINDSAY:**

No relationship at all.

**MR. HURLEY:**

Zero. Personal, you know, like, "Hello, how are you," that's our relationship.

**LEG. LINDSAY:**

Okay. The only business relationship you have with New York Waterway is you lease --

**MR. HURLEY:**

This is it. You have the document.

**LEG. LINDSAY:**

You lease one boat per weekend from them now.

**MR. HURLEY:**

For 32 days.

**LEG. LINDSAY:**

Okay.

**MR. HURLEY:**

That's it.

**LEG. LINDSAY:**

Now, this application that -- to increase service would increase that relationship, you'll be leasing more than one boat?

**MR. HURLEY:**

No, no, just this -- at the end of this summer -- first of all, this agreement here is for one 32-day period, this lease agreement. Before next season starts for me, I will either have bought a boat, or I will come back to you and say I'd like to lease longer. I mean, if you guys want to get together and say, "Make this contingent on, you know, this summer and you can come back with a new vessel," which it seems that's what I have to do anyway, if I were to change vessels, I am willing to play with the rules you make for me.

**LEG. LINDSAY:**

So your contention is what this is all about is this is -- you're leasing from New York Waterways to test the market to see if it validates you buying a larger boat.

**MR. HURLEY:**

That's correct.

**LEG. LINDSAY:**

Okay. Thank you.

**D.P.O. CARACAPPA:**

Legislator Carpenter.

**LEG. CARPENTER:**

Thank you. Now, you just stated that this only covers this year, this 32 days?

**MR. HURLEY:**

This lease agreement is for 32 days. It ends on September 1st.

**LEG. CARPENTER:**

Okay. Because the resolution that I have here --

**MR. HURLEY:**

Well, that's not a -- that's the license and that's the schedule. The schedule is going to be -- I'm going to equal that schedule. I'm going to know -- I'm going to know what size boat to get next year.

**LEG. CARPENTER:**

All right. Well, I just want that to be clear, so that no one misunderstands, because you said one thing, and what we have here in front of us is different, it's not just for this year.

**MR. HURLEY:**

Well, this is just the lease for a year.

**LEG. CARPENTER:**

Right, right.

**MR. HURLEY:**

This year.

**LEG. CARPENTER:**

The lease is just --

**MR. HURLEY:**

The lease is one 32-day period and then it's over.

**LEG. CARPENTER:**

But what we have before us that we would be approving would be this resolution, which carries you through 2008.

**MR. HURLEY:**

I could always -- yes, but --

**LEG. CARPENTER:**

Okay. That's all.

**MR. HURLEY:**

Okay.

**LEG. CARPENTER:**

All right.

**LEG. HALEY:**

No problem.

**LEG. CARPENTER:**

On the resolution, do you have a boat leaving Bay Shore at one a.m.?

**MR. HURLEY:**

No.

**LEG. CARPENTER:**

Well, the resolution has a boat leaving Bay Shore at one a.m.

**LEG. HALEY:**

What boat?

**LEG. CARPENTER:**

Thursday, leaves Bay Shore one a.m.



**LEG. HALEY:**

You must be reading an old copy of something.

**LEG. CARPENTER:**

No, I'm reading the copy we have before us today, corrected copy as of June 16th --

**MR. HURLEY:**

That's a wrong --

**LEG. CARPENTER:**

-- 2003.

**MR. HURLEY:**

I don't have a one a.m. boat.

**LEG. CARPENTER:**

Roman Numeral One, under Thursday, leaves Bay Shore at one a.m.

**MR. HURLEY:**

I don't have a one a.m. boat.

**LEG. CARPENTER:**

Okay. Well, that's what the resolution says, and if it were to be approved --

**MR. HURLEY:**

My last boat, my last boat on -- the latest boat that I have is 10:45.

**LEG. CARPENTER:**

Okay. Well, just so you know, the resolution says one a.m. Look at Page 2.

**MR. HURLEY:**

Does someone have the resolution somewhere?

**LEG. CARPENTER:**

Now, you said one boat, and the resolution that we have before us spells out five different

vessels, so I would assume, and I --

**MR. HURLEY:**

I can't even operate a one a.m. boat.

**LEG. CARPENTER:**

All right. But I asked you a question.

**MR. HURLEY:**

Oh, I'm sorry, I didn't hear. I thought --

**LEG. CARPENTER:**

Okay?

**MR. HURLEY:**

I just -- I'm on something else. I'm like, I've got a one a.m. boat in here?

**LEG. CARPENTER:**

Well, it's there.

**D.P.O. CARACAPPA:**

Page 2.

**LEG. CARPENTER:**

Page 2, Thursday, one a.m.

**LEG. VILORIA-FISHER:**

I think they meant 11 a.m. It doesn't make sense.

**MR. SABATINO:**

I might be able to help. That's under Roman Numeral One, which is because we were amending the previous schedule of service, everything you see up to Roman Numeral Two covers the period of Memorial Day, which has already occurred, because the original resolution was before Memorial Day, through the effective day of this resolution, which will be whatever day it gets signed by the County Executive. Then Roman Numeral Two takes you from the effective date of

the resolution through September 1 of 2003, just so you know what you're dealing with.

**LEG. CARPENTER:**

Yeah, but it still says one a.m.

**LEG. FOLEY:**

Does it mean 11 a.m.?

**MR. SABATINO:**

Yeah. I'm just trying to help everybody to see the context of it. You may all be saying -- you all may be looking at it from a different perspective. I think that what the applicant was talking about was the prospective service, which picks up with Roman Numeral Two. You were looking at the page which deals with where we are up to the effective date of the resolution. That's the only point I'm trying to make, just so you're all reading from the same starting point.

**MR. HURLEY:**

I am so confused, but I just know I'm not running a one a.m. boat, that's all.

**LEG. CARPENTER:**

Okay.

**MR. HURLEY:**

I'm just going to tell you that straight up.

**LEG. CARPENTER:**

Well, I'm sure I would have heard about it if you were, because --

**D.P.O. CARACAPPA:**

If you look at it closely, Legislator Carpenter, the way that it -- the schedule reads with relation to the arrival, it kind of looks like a one was left off, based on the --

**LEG. LINDSAY:**

It's 11 a.m.

**D.P.O. CARACAPPA:**

I think it's supposed to be 11 a.m.

**LEG. LINDSAY:**

Otherwise that boat's going to China.

**D.P.O. CARACAPPA:**

Yeah, really.

**LEG. CARPENTER:**

No. But it certainly doesn't take an hour-and-a-half to get from Bay Shore to Robins Rest, so that's not right either.

**D.P.O. CARACAPPA:**

But it's consistent with the other times is why I'm saying that.

**LEG. CARPENTER:**

No, it's not.

**LEG. FIELDS:**

No, it's not.

**D.P.O. CARACAPPA:**

Yeah, 12.

**LEG. CARPENTER:**

It's not.

**D.P.O. CARACAPPA:**

12:45, 12:30.

**LEG. CARPENTER:**

If you're looking at Friday, 6 to 6:30, 9:30 --

**LEG. FIELDS:**

The 12:30 is an hour-and-a-half, all the others ones are half hour.

**LEG. CARPENTER:**

The argument you're making, you're defeating yourself.

**D.P.O. CARACAPPA:**

Not a -- oh, I'm looking on two.

**LEG. CARPENTER:**

Yeah, okay. Well, let's not get hung up on that. He answered the question. The resolution that we have before us lists five different boats. So are we to assume that when this boat from New York Waterways comes out on Fridays to Bay Shore, the Bay Shore Ferry terminal, that it could be any one of those five boats listed.

**MR. HURLEY:**

That is correct.

**LEG. CARPENTER:**

Okay.

**MR. HURLEY:**

They are of the same class, the same configuration and the same design.

**LEG. CARPENTER:**

Okay. Now --

**MR. HURLEY:**

If you were to see them all lying there, they'd look the same.

**LEG. CARPENTER:**

Okay. Now, you're in -- when you were describing why you would want to do this, and it makes sense, to get yourself exposure as Bay Shore to now be providing the service, and people are going to come to Bay Shore Ferry terminal. Are they going to get on a boat that says Bay Shore Ferry, or are they going to get on a boat that says Giovanni Da Verrazano.

**MR. HURLEY:**

It will definitely to say Giovanni Da Verrazano. You can't take that off a boat.

**LEG. CARPENTER:**

Okay. So there's no opportunity, really, for you to be letting.

People --

**MR. HURLEY:**

No. I'll put a banner up there. If you want a banner up, I'll put a banner up.

**LEG. CARPENTER:**

Well, I'm asking --

**MR. HURLEY:**

I haven't thought about that, telling you the truth. On the boat, I haven't thought about that.

**LEG. CARPENTER:**

Well, you know, I guess that's why, as Counsel said earlier, we have these public hearings, so that these questions can be asked.

**MR. HURLEY:**

I would put a sign up --

**LEG. CARPENTER:**

And to the issue -- huh?

**MR. HURLEY:**

I would put a sign up, if that's -- if that was a request by you, that says Bay Shore Ferry on the side of the boat.

**LEG. CARPENTER:**

I don't really -- you know, personally, I'm just trying to get you to explain, you know, the thinking behind what you're doing, what you're doing, because according to this lease that was shared with us just now, your cost for hiring this boat, okay, is going to be 100% of the ticket

fares collected on the boat; is that correct?

**MR. HURLEY:**

That's correct.

**LEG. CARPENTER:**

Okay. And then you're required to maintain a log that's accurate, and every Tuesday, the owner presents the collected tickets and an accounting of the tickets sold on the boat with a copy of the log to you, then you wire the money that you owe the owner on Wednesday, less what the owner has already collected, to owner at a bank account of owner's discretion or direction. So there seems to be two different things here. You're going to -- the owner is collecting the money, but you are going to wire the money, less what the owner has already collected. I don't understand. Can you explain what the machinations of this --

**MR. HURLEY:**

What happens is I have the ticket booth.

**LEG. CARPENTER:**

Okay.

**MR. HURLEY:**

And I sell 95% of the tickets. But always someone will get on the boat who doesn't have a ticket and I have to have a mechanism to sell that person a ticket. Okay? The boat -- the crew of that boat will sell to that person a one-way ticket. They will account for that person. It will be a ticket that's sequentially and a duplicate ticket, so there's a receipt involved with this. Okay. Then, after the course of the weekend, let's say 50 people get on the boat and pay on the boat, I will know that 50 tickets have been sold on that boat. I will also know how many people took the 9 o'clock boat, the 10:20 boat, the 11:45 boat, whatever the schedule is, because I don't even know what it is anymore, and I will have the breakdown, and they will present to me all the tickets that I sold. I will then take all those tickets, I will have full -- a log and an accurate log with the books and will wire the money to them that I owe them for the ticket that I have to reimburse them for. I will know how many people bought tickets on that boat. I won't get that money, but I'll know.

There won't be money disappearing, so it won't be like you can take that money that a ticket got

sold on the boat and put it in your pocket and it disappears, that's -- I want to know more than anybody how many tickets get sold on the boat. It's paramount to me and my -- where I'm going to know exactly how much money is made by this boat.

**LEG. CARPENTER:**

All right. So, on Tuesdays, all of this accounting is going to take place and wiring of the money.

**MR. HURLEY:**

On Wednesday.

**LEG. CARPENTER:**

Right. And if you fail to pay after that due date, within two days notice, they can pull the boat; is that correct?

**MR. HURLEY:**

I believe so, yes. If I don't want to pay them, yes.

**LEG. CARPENTER:**

Okay. Who is going to pay for the fuel for the vessel?

**MR. HURLEY:**

They're going to pay for the fuel.

**LEG. CARPENTER:**

Okay. So, I guess --

**MR. HURLEY:**

But the fuel is going to be sold from a company called OK Petroleum, maybe into my tank. It's going to be taxed and paid in Suffolk County. You cannot -- these boats would have to hold 10,000 gallons of fuel to drive from New Jersey to here. They will use a full tank coming here and then they will buy -- they here, and then they will go back after buying all their fuel here. So the taxes that I think is where you're going will be paid here, the transportation part of this business.

**LEG. CARPENTER:**



Okay. Well, thank you for telling me where I was going. And I think it probably would be helpful, then, if that is what you're representing --

**MR. HURLEY:**

Yeah.

**LEG. CARPENTER:**

-- that it would be included as part of the resolution, then, that the fuel would be purchased here in Suffolk County.

**D.P.O. CARACAPPA:**

In the lease.

**LEG. CARPENTER:**

Pardon me?

**D.P.O. CARACAPPA:**

In the lease.

**LEG. CARPENTER:**

No, we can't tell them what to put in the lease, but, certainly, we can tell them what to put in the resolution.

**D.P.O. CARACAPPA:**

I don't think -- I don't think that's --

**LEG. CARPENTER:**

The resolution does say that --

**D.P.O. CARACAPPA:**

I don't think it's a requirement of ours, under our rules in the Charter, to determine that he has to buy gasoline at a certain place and have that put in a resolution. It's not one of our -- one of the things we look for.

**LEG. CARPENTER:**

Well, you know, normally we wouldn't, but he stood up here and said that he would put anything in there that we would like. And there seemed to be, from a questioning from a number of Legislators, that there was some concern that there was not a, you know, a level playing field, so to speak. And if this vessel is held by a company in.

New Jersey and is coming out here on the weekend, if they're going to be buying fuel here, that's an important factor to consider --

**D.P.O. CARACAPPA:**

Was that in Fire Island's --

**LEG. CARPENTER:**

-- something that should be memorialized in a resolution.

**D.P.O. CARACAPPA:**

Was that in Fire Island's resolution when we passed their license?

**LEG. CARPENTER:**

I certainly would put it in their resolution, if they started leasing or leasing boats from New Jersey.

**D.P.O. CARACAPPA:**

The point I'm making, I do not want to debate it, it's not the point.

**LEG. CARPENTER:**

Well, I don't know if we should be debating back and forth, because I -- this my time and I --

**D.P.O. CARACAPPA:**

No, no. It's just that it's not one of the requirements that we ask for in legislation, that's all. It would -- I don't think it would be prudent for any company.

**LEG. CARPENTER:**

Thank you. I just want to make it clear, and I think Legislator Caracappa had asked about this earlier, but the resolution does clearly state that the 150 passenger catamarans leased would be leased with a crew from Port Imperial Ferry Corporation, so that is very clearly spelled out in the resolution.

And earlier, when Legislator Bishop asked about what our jurisdiction is and what our, you know, purview is, Counsel very clearly stated that we need to be concerned about reliable and adequate service. And I would just be concerned that captains and crews that are coming from outside of Suffolk County, who are going to be given their maps and logs and everything from the Charterer or Mr. Hurley, would not be necessarily as familiar with our bays and our waterways as a company that's based here in Suffolk County. These are crews that are coming outside of our area, and I personally feel that the only way to do this in a fair and equitable way is that whoever's -- whosever boats are running on our bays that we have jurisdiction over, that's who should come to this Legislature and get their license from. I don't know if we should be assigning the right to another company.

**D.P.O. CARACAPPA:**

I'll put you on the list, Jon. Legislator Bishop -- Binder, I'm sorry.

**LEG. CARACCILO:**

I requested 15 minutes ago --

**D.P.O. CARACAPPA:**

You're next.

**LEG. VILORIA-FISHER:**

So did I.

**D.P.O. CARACAPPA:**

You're after.

**LEG. VILORIA-FISHER:**

We're on line.

**MR. BARTON:**

Please, use your microphones.

**MR. HURLEY:**

I must be interesting.

**LEG. BINDER:**

Everybody wants a crack at this.

**MR. HURLEY:**

I guess.

**LEG. BINDER:**

Well, it's unusual.

**MR. HURLEY:**

Absolutely. I understand.

**LEG. BINDER:**

Look, I've been here 14 years, I haven't seen anything like this. And I've -- I don't think you come here with unclean hands. I don't think you're -- you're trying to build a business. So, you know, in listening, I've been very intently listening to see where this is going. At first, I was very concerned. My concerns really focus on what Legislator Carpenter ended off with.

From what I can see, and it's still not clear, Number 4, in how you're paying. It says you're paying 100% of the ticket fares collected on the vessel. Are you paying up also 100% of the ticket fares collected in your booth? Because it's not on the vessel, unless you can --

**MR. HURLEY:**

No. If the English is poor, the agreement is --

**LEG. BINDER:**

Well, lawyers, lawyers are usually, especially when it comes to the money --

**MR. HURLEY:**

I hear you.

**LEG. BINDER:**

-- they're really specific. And I'm reading the contract here.

**MR. HURLEY:**

Yeah.

**LEG. BINDER:**

And the contract's not very specific as to what you're paying and I'm -- if I'm not clear --

**MR. HURLEY:**

Okay.

**LEG. BINDER:**

-- this is a prescription for litigation. It doesn't make any sense. Why isn't it clear as to what you're paying for leasing this vessel? Why is it say -- why does it say -- because I didn't even catch it to begin with when I was reading it that it says "on". I just thought 100% of all the ticket fares. But that particular line that says "collected on the vessel," does that -- that would come to exclude those fares that are not collected on the vessel, whatever that definition is that you guys --

**MR. HURLEY:**

You mean, so the tickets I sold, I wouldn't have to pay them? Is that what you're saying it says?

**LEG. ALDEN:**

If you're hiring Allan as your attorney.

**LEG. ALDEN:**

Well, that --

**MR. HURLEY:**

Well, then I'd be more than happy, but I'm not going to do that, so --

**LEG. BINDER:**

I know, but I understand.

**MR. HURLEY:**

I'm not going to go to litigation land, I'm going pay them for those tickets that I sell.

**LEG. BINDER:**

So -- all right. Okay. So what you're saying, you're representing here is that you're paying 100% of the ticket fares collected for all of those who ride the vessel.

**MR. HURLEY:**

That's correct.

**LEG. BINDER:**

Okay.

**MR. HURLEY:**

That boat.

**LEG. BINDER:**

So the question then was asked by the first Legislator --

**MR. HURLEY:**

Okay.

**LEG. BINDER:**

-- Legislator Crecca, about this, how do you make your money. You said, "I'm not making any." Well, that probably isn't true, because you're probably making -- by increasing the number of spaces taken on parking, you're probably going to make more money on that site. I have to assume that you're going to make money, because if you can increase your capacity, your boat's 45, this is 150, you can triple the number of parking spaces taken. I have to assume that's where you're going to be making some money.

**MR. HURLEY:**

Yes and no. I have sold out -- last summer was a good summer. I sold out parking every single weekend.

**LEG. BINDER:**

So, what, the 45 -- so you're --

**MR. HURLEY:**

No. It's just people are going on their ferry parking in my lot. What happens is they fill up and then they come to me. They don't come to me until before. I'd like them to come a day earlier. So, yes, maybe I'll make more money on Friday, because more people will be parking in my lot. So, yes, there is room to make more money on a Friday, but Saturday, Sunday, there's no more room to make money.

**LEG. BINDER:**

So you see that as the highest capacity time also, and you're willingly not driving your boat at a time when we have the highest ridership?

**MR. HURLEY:**

Well, if my boat needs service, which, you know, when you run it for five or six days, I think Fire Island Ferries will tell you, it needs like changes, you need to go over it, you need to look at it, you need to fill the -- you know, lube things, you know, so I'm going to use Saturday and Sunday to maintenance my boat. Maybe I have to pull out something to put a new seal on it, or something like that. You know, I'll limp through Monday, Tuesday, Wednesday, Thursday, Friday, and then come Friday at like 1:30, that boat will be out of the water, hatches up, you know, manifolds off. You know, I don't know, any number. Maybe I blow a drive, I have to put a new drive on the boat. There is -- I mean, it's never ending maintenance of boats. You constantly are trying to keep your boats running. So I need a couple of days for my boat not to run. I can't run it seven days a week, I'd have to get another boat.

**LEG. BINDER:**

When you came to the Legislature looking for your license, I mean, I -- with what we do here and the number of hearings and such, I don't remember all your testimony.

**MR. HURLEY:**

I thought -- what I thought is that I would -- I would have gotten approved in a timely manner, so that I would have had two months before the season. And I was under an impression, because I had written a proposal that in my -- you know, my proposal said, which was Number 3-C, if you want to go back and look, that I could -- I could get another boat that would fit in my service. I put it in there, so it wasn't like I hid anything, it was like right there, front and center.

**LEG. BINDER:**

You were planning to get another boat.

**MR. HURLEY:**

I've always been planning another boat.

**LEG. BINDER:**

No, no. But you had the capacity, the financial capacity, and were going to get another boat this year, except for the fact that it was -- but that this was late in coming to you in terms of a license.

**MR. HURLEY:**

Yeah. May 24th or something I got it. It was just so late, it's just impossible to maneuver when my season is three months.

**LEG. BINDER:**

Did you start the process of the purchasing on a boat? Did you start that process, did you --

**MR. HURLEY:**

I actually -- actually, I was in negotiations to build a boat. I actually found a boat that had been partially constructed down in.

New Orleans, actually.

**LEG. BINDER:**

How long would that take to complete?

**MR. HURLEY:**

Well, that would have been done -- that would have been done for the Saltaire route, it would have run. I would have had a boat. Would have been done by February or March of this past year. But, you know, it's just one of those things that slipped away.

**LEG. BINDER:**

No. But here's my question.

**MR. HURLEY:**



Oh, sure.

**LEG. BINDER:**

So you're connecting the late license to the fact that you don't have another boat to be able to fill to capacity that you're trying to fill through an outside company.

**MR. HURLEY:**

For a short period, sure.

**LEG. BINDER:**

But my question is, were you in negotiations to purchase, not to build, because to build, you wouldn't have it for this season, were you at least going on up to near this May date, or, you know, to try to see if it was possible? Were you --

**MR. HURLEY:**

Yeah, always.

**LEG. BINDER:**

-- trying to purchase a boat?

**MR. HURLEY:**

Yeah, always. But the problem is, to get a boat and to get it on line, so it's certified for the area and it's built to the specifications you want, it's just something that can't happen in a month or two. It's really, it's a three or four month -- if you have a boat that's close to being done, you're going to have to change things, you're going to have to go back with the plans to change seating, and it's just a Coast Guard regulation kind of thing.

From the day you get a license, it's going to take you three months -- if you're going -- if you're going to build a boat from scratch, it will take you nine months. Okay. So, if you found a boat that's sort of been half built somewhere or three-quarters built, or the superstructure's completely built, but they haven't fitted it out, you have to go take that boat and then make it what you want it to be. And it's just not that easy, because you have to take the plan that they've already filed with the Coast Guard for that use and then say, "Well, actually, I want to put these kind of motors in it, I want to have this kind seating in it, I want this kind of deck configuration," then, all of a sudden, it just changes your whole game, you know, like, okay, now

you have to have three feet between the railing going up to the bow. It just -- it takes time.

**LEG. BINDER:**

Now, when did you apply with us for the license that ended up you getting it in May, May 13th, according to Counsel?

**MR. HURLEY:**

I had sent the documents before Christmas. It got laid on the table I think the 18th, maybe.

**LEG. BINDER:**

The 18th of January?

**MR. HURLEY:**

January 18th or 15th.

**LEG. BINDER:**

So, it took from January to May to do this. Now, so you understand --

**MR. HURLEY:**

The end of May.

**LEG. BINDER:**

-- the concern here in a sense is, from one perspective, is why not just ask New York Waterway to come here, work out a license with us for the 32 days, and let them do it, if we need -- we needed someone to fill it, or not even them, or anyone, but why not -- why don't we -- why don't we just contract with someone, because that would open their -- if we did, not contract, but if we licensed someone else to fill those 32 days, what you're saying in a sense you don't have the capacity for, we would then have access to their books, as we are with yours, we would -- we would now deal with them on a level of dealing with like we deal with you and the others we deal with. Instead, what's happening is we're dealing with someone who's dealing with someone behind the scenes that we can't -- you kind of --

**MR. HURLEY:**

No, I understand what you're saying.

**LEG. BINDER:**

-- create a veil that we can't pierce.

**MR. HURLEY:**

You'd like to know more about their books.

**LEG. BINDER:**

Well, I don't know what we need to know about, but I know that we can't -- we can't get to that information. You know, we've got an investigation, whatever, and that's all out there. I don't know much about them, I don't know anything about them. But beyond that, I can't get to them the way I can get to all the people who are operating, including you, because we have a Budget Review Office that reviews everything. We can look at everything, and with them we can't look at a thing. And in a sense, we'd almost like -- I'm not saying we'd like them particularly, but we don't -- if you couldn't fill the capacity, it would have been even something even in May to tell us, to say, "Look, I've only got this boat, I'm not going to be able to do these, weekends, you're going to have to probably get someone for these other" -- you're not making money anyway, so what's the difference?

**MR. HURLEY:**

I'm losing money.

**LEG. BINDER:**

Okay. So you're not making money on these 32 days, so maybe we needed or someone needed to go and -- see, you're deciding to fill the void that you couldn't fill, you're deciding how to do it, with whom, you're making all the decisions, rather than any of the system doing it, the County doing it, us looking at who we would want a license with, who we're comfortable with. You, in a sense, have made the decision for us as to who we're going to license or we're -- because de facto, since he's running under your license, we're having to run with him --

**D.P.O. CARACAPPA:**

Allan.

**LEG. BINDER:**

-- which makes you comfortable, but that makes us uncomfortable.

**D.P.O. CARACAPPA:**

We're just trying to ask questions.

**LEG. BINDER:**

Right, but I want reactions. The reason I'm doing this, because I want to -- I have to tell you, I want to decide how to vote on this and I'm -- I need his reactions to these statements.

**D.P.O. CARACAPPA:**

I understand. It's just for question and answer, not reaction.

**LEG. BINDER:**

I understand, but reaction is part of -- in a sense, it's a question in that I'm making a statement -  
-

**LEG. BISHOP:**

All right. All right.

**MR. HURLEY:**

I'll try to --

**D.P.O. CARACAPPA:**

All right. I don't want to debate you in a half hour on reaction time.

**LEG. BINDER:**

Well, then don't.

**D.P.O. CARACAPPA:**

You know, let's ask him questions, that's all.

**LEG. BINDER:**

Then don't.

**LEG. BISHOP:**

Short answers.

**MR. HURLEY:**

I'm trying. I am trying as best I can to create a business that won't lose as much money, and the only way I know how to do it is what I try to create, you know. As I said, I bought the property five years ago.

**LEG. CARACCILO:**

Pardon me, Mr. Chairman. Point of personal privilege.

**D.P.O. CARACAPPA:**

Legislator Caracciolo, point of personal privilege. Go ahead.

**LEG. CARACCILO:**

Thank you. Is this a time sensitive issue? Are we going to close the public hearing and vote on the resolution today?

**D.P.O. CARACAPPA:**

That remains to be seen. It is a time sensitive issue, if you consider the type -- the time of season.

**LEG. CARACCILO:**

Right.

**D.P.O. CARACAPPA:**

That this is our last meeting until August.

**LEG. CARACCILO:**

Right.

**D.P.O. CARACAPPA:**

And that the public hearing is before us now. If it is closed, it has been distributed to be discharged. If it is not discharged, obviously, this would be null and void, for the most part.

**LEG. CARACCILO:**

Okay.

**D.P.O. CARACAPPA:**

Well, if the hearing's not closed, which makes the legislation ineligible tonight.

**LEG. BINDER:**

I'll leave it at that. I'll leave your reaction to it.

**D.P.O. CARACAPPA:**

So, yes --

**LEG. BINDER:**

I understand what you're saying.

**D.P.O. CARACAPPA:**

-- it is time sensitive.

**LEG. BINDER:**

I'll leave it at that. Thanks.

**D.P.O. CARACAPPA:**

Okay. You're up, Mike. Legislator Caracciolo.

**LEG. CARACCIOLO:**

Okay. I'm going to be very brief. Essentially, what you're engaging in is a lease agreement with another carrier to provide you with their vessel at their expense, and there's no profit cost -- I mean, there's no cost sharing and there's no profit in this for you.

**MR. HURLEY:**

No. No.

**LEG. CARACCIOLO:**

Okay. As far as the fare structure goes, is it identical to --

**MR. HURLEY:**

The rates approved by Resolution 344-2003.

**LEG. CARACCILO:**

Okay. Are they identical to the other competing --

**MR. HURLEY:**

Yes.

**LEG. CARACCILO:**

There are.

**MR. HURLEY:**

No, no, my fares are cheaper.

**LEG. CARACCILO:**

Okay. For similar -- identical service?

**MR. HURLEY:**

Identical service, 50 cents one way, a dollar roundtrip.

**LEG. CARACCILO:**

Okay. Thank you.

**D.P.O. CARACAPPA:**

Legislator Vilorio-Fisher.

**LEG. VILORIA-FISHER:**

Hi.

**MR. HURLEY:**

Hi.

**LEG. VILORIA-FISHER:**

I'd like to first make reference to that first one a.m. I agree with Legislator Caracappa, that it looked to me, based on the numbers, that that must have been a scrivener's error and not

meant one a.m. But I'd like to go to your lease agreement. Before I do that, there's been a lot said, a lot has been mulling around here. My assumption, based on what I believe you've said, is that you're not making any money on these -- these lease trips.

**MR. HURLEY:**

That's correct.

**LEG. VILORIA-FISHER:**

That you've decided to do this in order to gauge how profitable that run will be for you, so that you will then decide whether or not you're going to swing buying another boat, a larger boat for the next season.

**MR. HURLEY:**

That's correct.

**LEG. VILORIA-FISHER:**

Okay. Now, I'd like to go to the lease. The first thing on the lease that you read was on Page 2, and on my copy of it, Paragraph C is partially crossed out. Now, I see that there's something scribbled on the side that I believe that says "not changed".

**MR. HURLEY:**

I don't have anything scribbled on mine.

**LEG. VILORIA-FISHER:**

Yeah, on mine it's scribbled out.

**LEG. FIELDS:**

On all of ours it's scribbled out.

**LEG. VILORIA-FISHER:**

On ours it's scribbled out.

**MR. HURLEY:**

I don't know what you guys are reading.



**LEG. CARPENTER:**

What page?

**LEG. VILORIA-FISHER:**

On Page 2 of the lease, Paragraph C, which says, "Notwithstanding any other provisions in this charter, charterer to be responsible."

**D.P.O. CARACAPPA:**

1C. I'm going to let Counsel answer that, because he scratched it out.

**MR. HURLEY:**

I think, somehow, Counsel's copy of --

**LEG. BISHOP:**

Its says "not changed". See where it says "not changed"?

**MR. HURLEY:**

-- yesterday's got past around you and --

**LEG. VILORIA-FISHER:**

Yes, I just said that on the record. Yeah.

**D.P.O. CARACAPPA:**

Just let Counsel answer that.

**MR. SABATINO:**

What happened is the document was faxed to me in the middle of the day when I came back from a meeting I had with a Legislator. I was just making notes to myself for the issues that had arisen yesterday. So, unfortunately, it's the only copy I had to distribute to you. Okay?

**LEG. VILORIA-FISHER:**

Okay.

**MR. SABATINO:**

But those are my internal notes based on a conversation from yesterday.

**LEG. VILORIA-FISHER:**

Okay. Thank you, Paul. All right. So that clarifies that.

**MR. HURLEY:**

Okay. So you have my agreement with just some scribbles on it.

**LEG. VILORIA-FISHER:**

Okay.

**MR. HURLEY:**

I think.

**LEG. VILORIA-FISHER:**

The second thing -- the second question I had was actually asked by Legislator Binder, which was that in the body of Paragraph 4, it says the fee for the charter hire is 100% of the ticket fares collected on the chartered vessel, but you characterize that it's for anyone who would be boarding the vessel.

**MR. HURLEY:**

Yeah. Anybody who rides that vessel --

**LEG. VILORIA-FISHER:**

Okay.

**MR. HURLEY:**

-- will go to the boat.

**LEG. VILORIA-FISHER:**

Okay.

**MR. HURLEY:**

The owner of the boat.

**LEG. VILORIA-FISHER:**

The third question I have is I've noticed that it says that the charterer is responsible for all events occurring before a passenger embarks on a vessel or after a passenger disembarks from a vessel. So maybe Counsel can help with this question, but is the implication, then, that the owner has the liability for the passengers while they are on the vessel? Because I didn't -- I couldn't find that.

**MR. HURLEY:**

Everybody has liability.

**LEG. VILORIA-FISHER:**

Okay.

**MR. HURLEY:**

But the owner has an insurance policy that he has in place on this vessel, and I have a blanket insurance which covers the Bay Shore Ferry Company.

**LEG. VILORIA-FISHER:**

Okay.

**MR. HURLEY:**

So he's covered with his insurance, which he already has on the boat, and I'm covered, the owner's covered on the charter on that insurance, and I'm covered with a blanket over that. So, if you were to get on their boat and there's a crash, I'm getting sued. I have 5 million dollars in coverage. If you get off the boat and you walked on the dock and you hurt yourself, I'm getting sued. So this myth that I'm not, you know, operating a ferry is a myth, because, if I'm going to get sued, that means you're operating a business. I mean, there's liability to this. So I'm going to have someone on that dock making sure no one's falling down or making sure it's orderly.

**LEG. VILORIA-FISHER:**

Well, that's clear in the lease --

**MR. HURLEY:**

Yeah. But, also -- but, also --

**LEG. VILORIA-FISHER:**

-- that when the person's on the dock, that you're liable.

**MR. HURLEY:**

But, also, the boat itself, I'm going to make sure the boat is operated on the route it is.

**LEG. VILORIA-FISHER:**

Okay.

**MR. HURLEY:**

You know, there is liability all over in ferry operations.

**LEG. VILORIA-FISHER:**

I'm just trying to understand --

**MR. HURLEY:**

Yeah, yes.

**LEG. VILORIA-FISHER:**

-- what's on the lease here. On Page 4, actually, this was a question that I think was asked by Legislator Alden, and Paragraph 8, I believe this is the response to his question. He asked whether or not you had any authority over the captain, and it says here that the captain shall be under the orders and directions of the charterer. So you do have authority over the captain.

**MR. HURLEY:**

That's what I tried to say.

**LEG. VILORIA-FISHER:**

And further on on that page --

**MR. HURLEY:**

If I'm unhappy --

**LEG. VILORIA-FISHER:**

When it says that the charterer shall furnish the captain from time to time with all requisite

instructions and sailing directions, this is in response to what -- this is in response to Legislator Carpenter's question, which I think was a very, very good point. Are we going to have people here operating a vessel in waters that -- with which they are not very familiar? Now, it does say in Paragraph 10 that you would be giving them all requisite instructions and sailing directions. How much time will you be spending with these captains before they actually are out there?

**MR. HURLEY:**

Many of the captains have operated in the Great South Bay on boats, not to say they're working for ferry companies in this area, but many of the captains come from -- two of them come from Sheepshead Bay and they know this operation out here, they know the Great South Bay. I've met them, they know the waters. This is not like people coming from New Jersey who have never been in this area.

**LEG. VILORIA-FISHER:**

Excuse me.

**MR. HURLEY:**

That is just negligence to the utmost. I would not -- that's not what we have going on here.

**LEG. BISHOP:**

Two-and-a-half hours of this.

**LEG. VILORIA-FISHER:**

You know what, I've asked four minutes of questions, and they've been very specific, they've been very on target, and I have as much right to ask questions as anyone else on this horseshoe, David.

**D.P.O. CARACAPPA:**

Keep on going, Legislator Viloría-Fisher.

**LEG. VILORIA-FISHER:**

Okay. So --

**D.P.O. CARACAPPA:**

Go ahead, Vivian.

**LEG. VILORIA-FISHER:**

So, what you're saying is that on -- that in 10, it provides for that kind of instruction for the captain of the vessels.

**MR. HURLEY:**

Yes. I made sure that the captains have been on this bay before. I've met two of them.

**LEG. VILORIA-FISHER:**

Okay. Thank you.

**MR. HURLEY:**

Thank you.

**D.P.O. CARACAPPA:**

Just in time, Legislator Cooper, you're up. You're good?

**LEG. COOPER:**

I'm good.

**MR. HURLEY:**

Okay. Thank you.

**LEG. COOPER:**

There's been a lot of questioning back and forth regarding New York Waterway and the fact that they are a New Jersey company, and concern that you're leasing a boat from a New Jersey company. I'm just -- are there -- to your knowledge, are there any -- is there any requirement, any County requirement that when we contract with an entity, whether it be Department of Public -- maybe this is more a question for Legislative Counsel, for -- if DPW contracts with an entity or Department of Health Services, what have you, is there any requirement that they farm the business to a Suffolk County company? I mean, to my knowledge, that's never been a requirement.

**MR. SABATINO:**

Suffolk County has two local preference laws. The first local preference law applies to public works types of projects. In that particular case, there's a 10% clause which states that it would go to a local contractor, as long as that local contractor is not more than 10% above. That's limited to public works types of projects.

The second local preference law is for professional services, consulting type agreements, and that is, again, local preference. Local preference, though, is not limited to Suffolk County, local preference is defined as being a principal place of business in Nassau and/or Suffolk. And with the consulting, there's a waiver clause for those instances in which you can't get the services provided at the local level, you can waive and go off of Long Island.

**LEG. COOPER:**

So, aside from the local preference laws, there's no other requirement that business be restricted to Suffolk County --

**MR. SABATINO:**

No.

**LEG. COOPER:**

-- companies.

**MR. SABATINO:**

No, no, that's it.

**LEG. COOPER:**

And do we have any idea, does anyone have any idea as to how much business Suffolk County does with companies that are based in Suffolk County versus outside of Suffolk? My point being, why are we suddenly so fixated on this with this ferry company?

**MR. SABATINO:**

I don't know the dollar amount. I mean, again, people can consider it, but to me, it wouldn't be a driving -- it wouldn't be a driving force for granting the license.

**LEG. COOPER:**

So, it's never been a driving force in our decision-making process in the past, and now,

suddenly, we've spent two-and-a-half hours on this issue, and I just seem to be missing the point. Thank you.

**LEG. BINDER:**

One more.

**D.P.O. CARACAPPA:**

Legislator Alden is next.

**LEG. ALDEN:**

Just I'm going to call your attention to a couple of provisions in here, specifically on Page 2, 1-A, that the owner shall provide and pay for all lodging, food, provision, wages, benefits and discharging fees of the captain and crew. Then I'm going to flip over to Page 4,.

Number 9, that "If the charterer shall have reason to be dissatisfied with the conduct of the captain, the owner shall, on receiving" -- "the owner shall, on receiving particulars of the complaint, investigate the same, and, if necessary, make a change in the appointment." Are you hiring the captain and crew? Are you paying their wages?

**MR. HURLEY:**

No.

**LEG. ALDEN:**

No to both of those questions.

**MR. HURLEY:**

The captain and crew is paid by New York Waterway. I oversee them. So I can say to them, "I don't like this, Captain, I don't like this crew," which, I might add, I've met them.

**LEG. ALDEN:**

Correct. And then, if you don't like that, then here's the provision. If you don't like that, "Then if the charterer shall have reason," that's you --

**MR. HURLEY:**

I'm the charterer.



**LEG. ALDEN:**

Right. "To be dissatisfied with the conduct of the captain, the owner shall, on receiving particulars of the complaint, investigate the same, and if necessary, make a change in the appointment." So you have the right, that if you're dissatisfied with the captain and the crew, you can go to the owner of the vessel, he'll investigate it, and it's up to him to determine whether any changes made, or whether there's specific orders given or withdrawn, or anything like that. That's according to your documents right here.

**MR. HURLEY:**

That's what it says.

**LEG. ALDEN:**

Okay, thanks.

**P.O. POSTAL:**

Legislator Binder.

**LEG. BINDER:**

One question.

**MR. HURLEY:**

Okay.

**LEG. BINDER:**

Should this not happen, what would you be able to do, what can you do, what would you do? Do you have enough capacity? Could you --

**MR. HURLEY:**

Oh, yeah. I run a boat on the schedule that I have, and I'll lose my, you know, my shirt, because that's not -- I mean, it provides no public service at all, and it literally -- it does exactly what this body is not supposed to do, in my opinion. You're supposed to create competition or foster it, not squash it, and that's my opinion.

**LEG. BINDER:**

You're saying that -- what's the schedule that would make you lose your shirt that you got

approved for?

**MR. HURLEY:**

It's like three boats. It's Thursday, there's a freight boat in the morning, maybe 12. I'm shooting from the hip here. On Friday, there's a boat at like -- I don't know, there's three boats. And then Saturday there's three boats, and Sunday there's three boats, and it just doesn't fill a public need. I mean, I --

**LEG. BINDER:**

So, you're saying, it is not in the schedule that it exists now that you were given a license for in May, you -- there are not enough runs for you to make any money; that's what you're saying?

**MR. HURLEY:**

That's correct, I will --

**LEG. BINDER:**

Okay.

**MR. HURLEY:**

And I might add, if you read this thing on here, I had this, this is what I put here. It said, "Subject to change," okay, this schedule, "based on the Long Island Railroad table and traffic demand." But, according to your Counsel, he says that you can't do that. So I actually put that in there, because I wanted to change that, but I was -- I was using that as a minimum of service.

**LEG. CARACCILO:**

Motion to close.

**P.O. POSTAL:**

Legislator Caracappa. Wait.

**D.P.O. CARACAPPA:**

Just to expand on that just a little bit, your original license, you basically couldn't meet the obligation of it with the amount of boats -- if this fails, with the amount of boats you have. Or, if you were able to do it --

**MR. HURLEY:**

Oh, I could. I can -- it's only nine, twelve trips, or something. I'll fulfill it, the -- but it's like --

**D.P.O. CARACAPPA:**

Are you sure of that?

**MR. HURLEY:**

We're talking the license right now that is in place; is that correct?

**D.P.O. CARACAPPA:**

Right.

**MR. HURLEY:**

Or are we talking about where I'm going?

**D.P.O. CARACAPPA:**

The license that was approved in May.

**MR. HURLEY:**

Oh, yeah, no problem. It's nine boat rides, nine -- ten, ten rides.

**(SUBSTITUTION OF STENOGRAPHER - ALISON MAHONEY)**

**D.P.O. CARACAPPA:**

Budget Review, would you affirm that?

**MR. POLLERT:**

Basically one of our concerns when the Budget Review Office had reviewed this was a capability to bring a boat down to do preventative maintenance so that they would be able to continue to operate seven days a week. What was originally represented was that he was going to purchase another boat or construct another boat. The time frames did not allow that. Clearly, there's a possibility to run the boat seven days a week, even if it's only for a small number of runs, you always have the capability of having a problem with the boat where the boat has to be shut down.

**D.P.O. CARACAPPA:**

Okay. So in your opinion based to be maintenance you have to do and everything that he had mentioned earlier -- in fact, I think you did say earlier, Mr. Hurley, that you couldn't run seven days a week with what you currently --

**MR. HURLEY:**

With one boat? No. I will have to miss something sooner or later unless I work at three in the morning.

**D.P.O. CARACAPPA:**

Which would negatively impact your review for the next time you come before us, which ultimately, if we don't approve this, we're squashing you. Secondly, earlier it was said by your competition that you were partaking or a part of the investigation of New York Waterways by the I believe it's the federal government. I just wanted to give you a chance to respond to that, because I asked that question directly, and I want to give you the opportunity to say --

**MR. HURLEY:**

The only thing I know about New York Waterways is what I read in the Times in the article. I don't know. I mean, I think they get \$1.6 million a month in subsidies. I think the amount of money is three hundred and some odd thousand dollars. I mean, I read it, it sounds like a mistake.

**D.P.O. CARACAPPA:**

Bay Shore Ferry has nothing to do with that, right?

**MR. HURLEY:**

No way.

**D.P.O. CARACAPPA:**

And one final point. I would ask Counsel to assist me here. Section Four, page three, there is some notes and some cross-outs. I just want to make sure that everyone is on the same page here with relation to the language. And if we have to make a change right here, right now, I would like to be able to get that done. So the notes in section Four on page three, what in that paragraph -- what troubles you or what would you like to see changed with relation to tightening

up the language?

**MR. SABATINO:**

What I had said earlier was there were just two outstanding points from yesterday's conversation. One of them is the handwritten corrections you see on page three would be the language that would make the cash control provision consistent with what Budget Review has required in other circumstances and situations. So I don't know if this got lost in the communication or what, but I know that Budget Review had provided you with the language. The language that was actually typed in your updated version is not consistent. We want the language that you see in the handwritten notes. That was point one.

And point two was -- actually Legislator Binder highlighted it in his questioning. When I spoke to you yesterday, I spoke in terms of a 100% of the revenues generated by the ticket sales for each and every trip. And somehow that-- the draftsmanship just didn't quite conform to that.

**MR. HURLEY:**

I know --

**MR. SABATINO:**

So the point is that albeit that's a lease between you and a third party, we would want to see that language tightened up to be consistent with what we want, you know, as a condition to approving.

**MR. HURLEY:**

There's no doubt that that could be added to this lease agreement, that's no problem.

**LEG. CARACCILO:**

It would have to be added now.

**MR. HURLEY:**

I know that they would have no problem with what you have said. Because I specifically -- I actually talked to Kevin Duffy on the language of this duplicate sequential ticket thing. And he said that was good. He said that is what he is looking for. I specifically called him, faxed him, and he said that is what we're looking for. So I had that conversation with him on that point specifically. It's literally -- you can't get more than -- the auditable accounting that conforms

with the requirements of the Suffolk County Legislature's Office of Management and Budget, namely, a duplicate {sequentured} numbered ticket that provides a receipt. You can't get any more accountable than that. It doesn't exist unless we take a photo of everybody who provides a ticket.

**MR. SABATINO:**

All I could tell you is this is -- I will defer to Fred Pollert, he seems to have a comment.

**MR. POLLERT:**

The tiny handwriting that you see there is actually Kevin Duffy's handwriting. So what I believe the problem is is that Kevin made the changes, but they were not made on the typed copy.

**MR. SABATINO:**

That's what I said. This was based on a conversation from yesterday where we all agreed, at least I thought we all agreed, that these two points would just be cleaned up. And I know the applicant made the effort and faxed something to Kevin Duffy in Hauppauge. Kevin in turn faxed it over to me. Kevin wrote in the technical, you know, language corrections.

**MR. HURLEY:**

That's not a problem.

**MR. SABATINO:**

The other point though from yesterday was the one that Legislator Binder just happened to pick up on, because he emphasized something I had emphasized yesterday, which was I had said let's say 100% of the revenues generated by the tickets for each and every trip. That was the language I had articulated over the phone. Somehow those two things didn't make it. So what we need is to have an agreement to make those changes, and you just have to -- I would say that you might want to -- we're going to be here for a little while, you might just want to contact the other party and get that agreement.

**MR. HURLEY:**

If you guys give it to me in the exact wording that you want, I will get it approved.

**LEG. CARACCILOLO:**

Motion to close.

**LEG. POSTAL:**

Legislator Cooper.

**LEG. COOPER:**

I have another question for Legislative Counsel. I was wondering whether there was either something in Suffolk County law or in our ethics rules that would require a Legislator that's received campaign contributions from either of these competitors whether it be Fire Island Ferry or Bay Shore Ferry from either advocating for or against this resolution or that would require them to recuse themselves from the final vote?

**MR. SABATINO:**

No. There's nothing written in our statutes that deal with that issue. There is only -- there's a local law from 1980 which deals with party leaders and campaign contribution in connection with the securing of contracts. But there's no specific prohibition about receiving contributions and voting on legislation.

**LEG. COOPER:**

Or advocating one way or another on the bill that would benefit the company that gave them campaign contributions.

**MR. SABATINO:**

There's no specific prohibition, no.

**LEG. COOPER:**

Thank you.

**LEG. FOLEY:**

Madam chair?

**D.P.O. CARACAPPA:**

Motion to close.

**P.O. POSTAL:**

Motion to close by Legislator Caracappa, seconded by Legislator Vilorio-Fisher. All in favor?

Opposed? 1531 is closed.

**LEG. FOLEY:**

Madam Chair? Madam Chair, I would make a motion --

**P.O. POSTAL:**

Don't we have one more public hearing?

**LEG. FOLEY:**

Madam Chair, I would like to make a motion to waive the rules and discharge --

**P.O. POSTAL:**

We have one more public hearing, can we just finish?

**LEG. FOLEY:**

My only concern is that if we get to the agenda, whether we're going to be here for another hour on the agenda I don't know, it could be less than an hour on the agenda.

**P.O. POSTAL:**

I guarantee we'll be here for another hour.

**LEG. FOLEY:**

Can you guarantee we'll be here?

**P.O. POSTAL:**

I guarantee it.

**LEG. CARACAPPA:**

Phil has to speak again.

**P.O. POSTAL:**

That's right. Okay. The next public hearing --

**LEG. FOLEY:**

Then I'll -- okay. I'll wait until the close of the public hearings.



**P.O. POSTAL:**

It won't be long.

**LEG. FOLEY:**

Okay.

**MR. HURLEY:**

Thank you.

**P.O. POSTAL:**

***Public Hearing Regarding Introductory Resolution No. 1534 - a Charter Law amending the County Campaign Public Finance Program to allow partial County funding for County elections.*** And our speaker is Phillip Goldstein.

**LEG. FOLEY:**

Come on, Philly.

**MR. GOLDSTEIN:**

Madam Presiding Officer, just as a matter of, I don't know, protocol, you didn't ask if there were any other speakers to speak on that last item.

**P.O. POSTAL:**

You're right, and I apologize. And as soon as we close this hearing I will reopen and go back and ask that question.

**MR. GOLDSTEIN:**

Okay.

**P.O. POSTAL:**

Thank you, Jiminy.

**MR. GOLDSTEIN:**

As anxious as I am to see public financing come to reality and to be implemented, unfortunately I find that this bill introduced by Legislator Cooper needs to be reconsidered. I think there are a

number of flaws that raise questions. For example, going right to the heart of the matter, the proposition that should appear on the ballot says under A on page 9, "Allowing annual partial County taxpayer funding up to \$1 per parcel," and then in parentheses, (fifty cents per resident); there's a contradiction there, it makes no sense; with all due respect, Mr. Cooper. That's just one point.

In describing the funding and so on, you talk about \$1 per parcel; I don't see how you can dispense that responsibility down to the resident level since it's the parcel owners on that basis and so on. It's unfortunate because, as I said, I would love to see the public financing. Also, I find that there are flaws with regard to the office of District Attorney which is mentioned in various places in terms of -- I think that the threshold -- no, pardon me. For the two additional offices that were added, the threshold I think is rather high. Most people don't even know the existence of these offices and couldn't explain what function they play and for the politicians who are seeking to be elected to these positions, to try to get the sum of money to pass the threshold, I think there was a recent effort in this election cycle and the individual couldn't meet the demands and so was unable to partake of the public funds that were available on this particular case.

With regard to the District Attorney, I don't think that there is adequate opportunity for the District Attorney to expend monies in pursuit of the position. I think it's rather low by comparison to the County Executive whereas the District Attorney as listed here is held to comparable limits that are for County Treasurer and County Comptroller and County Clerk, the District Attorney is also held to that same level. I think that there are, you know, weaknesses in here that the bill needs to be reviewed and strengthened before I would think it would be ready to be submitted. So that's it.

**P.O. POSTAL:**

Thank you.

**MR. GOLDSTEIN:**

Thank you.

**LEG. FOLEY:**

Thank you.

**P.O. POSTAL:**

The next speaker on this hearing is Lee Lutz.

**MR. LUTZ:**

Good afternoon, Madam Presiding Officer, Members of the Legislature.

**LEG. FOLEY:**

Speak up, Lee, we can't hear you.

**MR. LUTZ:**

Yeah, still afternoon. I have a formal statement and then will hope to answer your questions if you should have any. The voters of Suffolk County overwhelmingly approved a Campaign Finance Reform Program in 1998 creating a program of partial public financing of County election campaigns. They voted in favor of a program that has been proven by recent reports on similar programs across the country to increase diversity of candidates, to reduce uncontested elections and to free candidates time to communicate with the people they hope to represent.

Perhaps most important, in light of recent events in Suffolk County and Brookhaven Town, such programs also reduce the perception so many people have today that their representatives may be representing someone other than them. Whether or not such a perception is accurate, it erodes people's confidence in their elected officials, and sadly in democracy itself. It is certainly a significant factor, if not the leading one, in the pitiful voter turnouts recorded in this County, State and country every year.

Obviously, a public financing program with all its inherent benefits to the public and candidates cannot function without funding. I would contend that those citizens who in 1998 voted two to one in favor of this program thought it was funded. It is insulting to their intelligence to presume they voted for a program they knew was doomed to fail. Although a referendum the following year to provide adequate funding was defeated, the public was not provided with the information necessary to reach an informed decision. Instead they were faced with a cleverly worded proposal which emphasized the fact that County taxpayers money would be used to fund the program, but which utterly failed to provide the critical detail; that is the amount of taxpayer money required to fund the program, a less than grand total of about 50 cents per resident per year.

IR 1534, sponsored by Legislator Cooper, would address that short-coming by providing the public with the opportunity to decide if they are willing to commit 50 cents a year to improving their representation, to reducing the almost universal disdain Americans have for a campaign financing system which they feel has evolved into a pay-to-play, pay-to-be-heard, pay-to-prevent-harm system of dubious integrity for all parties concerned.

Pardon my strong words, but everyone in this room knows that is exactly how most Americans feel.

**LEG. BINDER:**

No, we don't.

**P.O. POSTAL:**

Allan.

**MR. LUTZ:**

Frankly, I would think that an elected official would be anxious to alter the system that causes his or her constituents to question their ability to represent them fairly. The Campaign Finance Board was created to implement and administer public financing program, among other duties. The board takes no formal position on how the funding should be provided. It feels that the determination of method is the responsibility of the legislative process. However, the board does strongly support providing a reliable funding mechanism in order to fully implement a system the voters have already approved.

This proposed bill would provide the citizens of Suffolk County the opportunity to impose on themselves the practically invisible "burden" of 50 cents per year in order to increase the diversity of the candidates seeking to represent them, to reduce the number of uncontested elections, to improve their access to those proposing to represent them and to reduce the widespread perception that democracy in this country is for sale. I thank you, and if you have questions I'd be happy to try to answer.

**P.O. POSTAL:**

Thank you.

**LEG. COOPER:**

I just have one question.

**P.O. POSTAL:**

Legislator Cooper?

**LEG. COOPER:**

One question. Lee, are you aware of any other municipalities nationwide or perhaps in New York State that have partial public funding of election campaigns?

**MR. LUTZ:**

There are a number of programs across the country.

**LEG. COOPER:**

Could you give a couple of examples?

**MR. LUTZ:**

There is -- well, closest to home of course is New York City, it's a program that's been in place since 1989 and which has long since proven its viability and its benefits. There are programs in the City of Los Angeles, there's a program just starting up, it hasn't actually run its first cycle in the City of San Francisco. There's -- the longest running program in the country I believe is in Tuscon, Arizona, which has been well participated in and supported and its benefits, again, have been proven rather well.

On a Statewide level, of course the classic example of public funding is -- public financing of campaigns is the State of Maine. They have instituted a system that goes even further than Suffolk County's, that is the so-called clean elections in which virtually all of the money for campaigning is provided by the public. However, there are also Statewide partial public funding programs similar to Suffolk County's, in the State of Minnesota, for example, there's one and there's a couple of others across the country.

**LEG. COOPER:**

Thank you.

**P.O. POSTAL:**

Legislator Caracciolo.

**LEG. CARACCILOLO:**

Very briefly. What is the measurement to determine success in the Campaign Finance Program?

**MR. LUTZ:**

The success that has been --

**LEG. CARACCILOLO:**

No, what is the measurement I said.

**MR. LUTZ:**

What is the measurement.

**LEG. CARACCILOLO:**

How do we measure success?

**MR. LUTZ:**

The goal -- you measure -- I would say you would measure success by determining whether or not the goals of the program have been achieved.

**LEG. CARACCILOLO:**

Is the measurement how many people contribute or is the measurement turning office holders out that don't belong in office?

**MR. LUTZ:**

Oh, no, no. No, absolutely not.

**LEG. CARACCILOLO:**

Well, or making for competitive elections?

**MR. LUTZ:**

I would say that the measure of success, for example -- let me use Suffolk County's program.

**LEG. CARACCILOLO:**

No, let's use New York City because I'm very familiar with New York City.

**MR. LUTZ:**

Oh, okay. Fine, okay, let's use New York City.

**LEG. CARACCILO:**

I want your definition of the measurement of success.

**MR. LUTZ:**

Many more candidates running for office, a much greater diversity of candidates running for office, women, minorities, people that aren't themselves wealthy or have access, direct access to wealthy patrons because they're funding is provided to a large extent by the State.

**LEG. CARACCILO:**

So it gets candidates into the electoral process --

**MR. LUTZ:**

It gets them into the process.

**LEG. CARACCILO:**

-- but it doesn't ensure success.

**MR. LUTZ:**

Oh, no, no, no, by no means, by no means. And I don't believe and never have believed that being elected because you participate in the program is any measure of success. I would rather say that the success is measured by the fact that the public had a greater choice in their candidates for office, that they had a greater opportunity to both listen to and also speak to those candidates during the course of a campaign. And of course, I'm making that point because many candidates have complained bitterly how much time it takes to raise all the money necessary to run a campaign these days.

**LEG. CARACCILO:**

Well, that's not true in the County Legislature, it doesn't take a lot of money to be competitive in a County Legislative race.

**MR. LUTZ:**

I would suggest at the County wide level it may.

**LEG. CARACCIOLO:**

No.

**MR. LUTZ:**

And I would suggest that there are incumbents, for example, sitting at this table who are --

**LEG. CARACCIOLO:**

I'm not going to debate that with you, I just wanted to get on the record --

**P.O. POSTAL:**

Don't debate, ask questions.

**LEG. CARACCIOLO:**

Right. I just wanted to get on the record what Mr. Lutz's definition of measurement of success was.

**MR. LUTZ:**

Okay, and that's what I'm trying to give you.

**P.O. POSTAL:**

Okay, thank you. I have no more cards.

**LEG. BINDER:**

Let me ask a question.

**LEG. TONNA:**

No, no.

**LEG. BINDER:**

Just one thing, I'm asking one thing.

**P.O. POSTAL:**

Go ahead, Allan.



**LEG. BINDER:**

Thank you. Can you just -- I would like the information in writing that you were talking about, all the opinion that you gave about what it meant for success in New York City, you said there was more diversity, more numbers; just if you could give me that in writing. Give me in writing anything you have to back up -- you have a statement so you know where you made claims, please give me either statistics, studies, writing, just provide that to my office.

**MR. LUTZ:**

I would be happy to, Mr. Binder.

**LEG. BINDER:**

Thank you.

**MR. LUTZ:**

In fact, Mr. Caracciolo had asked that -- made that same request of me some time ago and I provided him with a stack of materials close to two inches thick and I'd be happy to provide copies to you.

**P.O. POSTAL:**

Thank you. I have no more cards for this hearing. Is there any --

**LEG. BISHOP:**

Motion to close.

**LEG. FOLEY:**

Second.

**LEG. TONNA:**

Second.

**P.O. POSTAL:**

Well, let me just finish. Is there anyone else who would like to address the Legislature on this matter? Hearing no one, motion to close by Legislator Bishop, seconded by Legislator Foley. All in favor? Opposed? **1534 is closed.**

Mr. Goldstein had pointed out that I neglected to invite anyone who had not filled out a card to testify with regard to the hearing on Introductory Resolution No. 1531. Before we go through a motion to reconsider and all of those procedures, is there anyone who did not have an opportunity to testify on that hearing who would like to testify on that hearing?

**LEG. TONNA:**

Ah, come on, Phil.

**MR. GOLDSTEIN:**

I'm taking advantage of my rights. When I get cut off after three minutes --

**P.O. POSTAL:**

All right. I'll make a motion to reconsider.

**LEG. VILORIA-FISHER:**

Second.

**P.O. POSTAL:**

Seconded by Legislator Vioria-Fisher. All in favor? Opposed? You want to -- it's now open again, Public Hearing Regarding Introductory Resolution No. 1531. And Mr. Goldstein would like to address us; go right ahead, Phil.

**MR. GOLDSTEIN:**

I was just sitting here and dismayed that, as it happens, the majority of this body is Republican -- and as a generalization, Republicans are pro business, okay -- I couldn't believe what was being done. Here is this young man, this guy who wants to be an entrepreneur and launch a business here in Suffolk County and you raped him over the coals. Your own Counsel said to you that as far as your obligation is concerned, you have to make sure that the guy is going to have safe vessels to transport the people to whom he's providing a service and that he's going to do it at a fair price, and yet you question him about proprietary matters in terms of how he was going to run his business, etcetera and so forth. And it just -- it seemed to me, I mean -- and I remember I had seen him here on previous occasion because he was seeking to get, you know, the license approval and so on and you dragged it out and made it difficult for him so that now he finds himself in dire straits with regard to accessing another vessel which he wasn't able to do and the season is running out. My God, what are you people doing? I just -- I couldn't believe

it. I'm sitting here and I'm aghast at what you're doing. I mean, I understand due diligence, you want to protect the interest of the people in Suffolk County but, you know, get real.

**P.O. POSTAL:**

Phil, I would like to respond to you.

**LEG. GULDI:**

Uh-oh. I thought it was a question.

**P.O. POSTAL:**

We have a responsibility. On many occasions we have been criticized for not properly meeting our responsibilities, whether you feel that, as people do, we've been overly diligent in trying to meet those responsibilities or that we haven't been diligent enough, that's a matter of opinion, I'm sure there's many people who are on the opposite of the issue from you. And having been involved in collective bargaining for many, many years, I learned that you're at the right place when as many people feel that you've gone too far in this direction as the number of people who feel you've gone too far in that direction.

So I'm sorry if you felt that we were treating him badly, unfairly, I guess delving more deeply than our responsibility warranted into issues. But I know that the Legislators who asked the questions that they asked did so because they really felt they had a responsibility to get answers that made them feel comfortable with the decision that they were ultimately going to make, and certainly I'm not everybody sitting here, but that's my interpretation of what happened here. We may -- you may never agree with me, I may never agree with you, but that's the way I see what happened here today even though you see it from a different point of view.

**MR. GOLDSTEIN:**

Yeah, it just seems to me that the obstacles that you're putting in his path -- I mean, he was willing to forgo any kind of profit in the operation of five possible vessels that he might use; in other words, he had backup vessels to ensure that the service would be delivered. He wasn't taking a profit out of these thirty some odd days that he was operating those vessels --

**P.O. POSTAL:**

Phil, can I interrupt you for one minute?

**MR. GOLDSTEIN:**

-- because it was an experiment on his part to see whether or not --

**P.O. POSTAL:**

We heard all his points. I'm just saying that people in a democracy are allowed to see things differently.

**MR. GOLDSTEIN:**

Okay.

**P.O. POSTAL:**

That's what I think happened here today. Thank you.

**LEG. FOLEY:**

Thank you.

**LEG. BISHOP:**

Thank you.

**MR. GOLDSTEIN:**

I mean, it seemed like you were squashing the business. And you know, there shouldn't be a monopoly, you should be for competition.

**P.O. POSTAL:**

Do I have a motion to close?

**LEG. CARACCILOLO:**

Yes.

**P.O. POSTAL:**

Legislator Caracciolo, seconded by Legislator Nowick. All in favor? Opposed? The public hearing for the second time on 1531 is closed.

**LEG. CARACCILOLO:**

Back to the agenda.

**LEG. FOLEY:**

Madam Chair?

**P.O. POSTAL:**

I'm going to accept a motion from Legislator Caracappa, seconded by Legislator Lindsay, to set the date of June 27th, 2003, at 10 Am in the William H. Rogers Legislative Building, Hauppauge, for Public Hearings Regarding Suffolk County Community College Recommended Budget 2003-2004 and to set the date of June 30th, 2003, at 10 AM in Riverhead, New York, for a Public Hearing Regarding Suffolk County Community College Recommended Budget 2003-2004 and setting the date of August 5th, 2003, at 2:30 P.M. in the William H. Rogers Legislature Building, Hauppauge, New York, for Public Hearings Regarding Introductory Resolution No. 1547-03 and 1549-03. I'm accepting that motion from Legislator Guldi and seconded by Legislator Binder. All in favor? Any opposed? The date of the public hearings is set.

**LEG. FOLEY:**

Madam Chair?

**P.O. POSTAL:**

Now, I recognize Legislator Foley.

**LEG. FOLEY:**

Thank you, Madam Chair, for this interruption. I'd like to waive the rules and discharge from committee, we all have a copy of it, Resolution 1469, it authorizes the use of Smith Point County Park for the Mastic Beach Fire Department.

**LEG. HALEY:**

Second.

**LEG. CARACAPPA:**

Second.

**LEG. VILORIA-FISHER:**

Second.

**P.O. POSTAL:**

Motion by Legislator Foley, second by Legislator Caracappa. All in favor? Opposed?

**LEG. FOLEY:**

This is just a discharge motion.

**P.O. POSTAL:**

Oh, the motion was to discharge --

**LEG. FOLEY:**

We can debate it later.

**P.O. POSTAL:**

-- 1471.

**LEG. BINDER:**

I'm a no.

**LEG. FOLEY:**

69, 69.

**P.O. POSTAL:**

Okay. There are two opposed, Legislator Binder, Legislator Bishop. Next is --

**MR. BARTON:**

15.

**LEG. FOLEY:**

Madam Presiding Officer, there's one other resolution. I would like to make the motion to waive the rules and discharge 1471 from committee.

**LEG. HALEY:**

Second.

**LEG. FOLEY:**

And this is authorizing the use of Smith Point County Park in 2003 for the purposes of a 5K race.

**LEG. CARACCIOLO:**

Second.

**LEG. FOLEY:**

For the third year in a row.

**P.O. POSTAL:**

Motion by Legislator Foley, seconded by Legislator Caracappa. All in favor? Opposed? 15 -- I'm sorry, was somebody opposed?

**LEG. FOLEY:**

1471.

**P.O. POSTAL:**

1471 was discharged.

**LEG. FOLEY:**

Thank you very much.

**P.O. POSTAL:**

You're welcome. Now, Legislator Caracappa.

**LEG. CARACAPPA:**

Yes, Madam Chair, I'd like to ask if I could waive the rules and discharge 1531 out of Public Works, it's in front of everybody.

**P.O. POSTAL:**

Okay.

**LEG. CARACAPPA:**

It's approving the amended Cross Bay Ferry License for Bay Shore Ferry.

**P.O. POSTAL:**

Motion to discharge 1531 by Legislator Caracappa. I'll second it. All in favor? Opposed?

**LEG. ALDEN:**

Abstain.

**P.O. POSTAL:**

Abstention by Legislator Alden, Legislator Carpenter, Legislator Crecca.

**LEG. TONNA:**

What, abstain from committee?

**P.O. POSTAL:**

This is a discharge.

**LEG. TONNA:**

Abstain, I abstain.

**P.O. POSTAL:**

And Legislator Tonna and Legislator Foley.

**MR. BARTON:**

Eleven.

**P.O. POSTAL:**

Thank you. Okay, now, before we continue with the agenda, we do have the Capital Budget Vetoes in front of us, at long last. And I will -- is Todd here? I don't know that I see Todd, I think he can hear me. I would just like to make Todd aware, and I feel secure in knowing that I am expressing the wishes of other Legislators here as well, that I was very dismayed to read about the veto of Capital Budget Amendments in the newspaper. Matter of fact, not only did I read about it in today's newspaper which meant that the information was available to the newspaper yesterday, but none of us received these messages until midday today. And I just would ask Todd that we receive this information as promptly as we possibly can, and certainly I



think it's owed to us as a courtesy that we are the first person to receive veto messages. I really think that it's terribly discourteous that the County Executive's partner in County government is not considered --

**LEG. FIELDS:**

Where is Todd?

**P.O. POSTAL:**

He's listening in the back. Is not considered a partner when it comes to something as momentous as adopting the Capital Budget for the County. So I just wanted to put that on the record. Legislator Caracappa?

**LEG. CARACAPPA:**

Thank you, Madam Chair. I just want to make clear to my colleagues that the discharge on Bay Shore Ferry failed with 11, it needed 12. So it stays in committee, ultimately squashing the amendment.

**LEG. CARACCIOLO:**

Okay.

**P.O. POSTAL:**

Okay. Now, I would like to make a motion to take this veto override in its entirety so that that's -  
- Resolution No. 413-2003 - Amending the proposed 2004-2006 Capital Program and Budget to restore honest Capital Budgeting in Suffolk County. Do I have a second?

**LEG. CARACAPPA:**

Which one is that?

**P.O. POSTAL:**

To take the --

**LEG. CARACAPPA:**

The Omnibus?

**MR. SABATINO:**

Let me just clarify. Is the motion to take all of the line item vetoes in Resolution 413 of 2003?

**P.O. POSTAL:**

Everything, yes.

**MR. SABATINO:**

In their entirety as one Omnibus vote.

**P.O. POSTAL:**

Everything in 413, yep.

**MR. SABATINO:**

Okay. So the first vote is a procedural vote just to determine that you're going to treat all of the line item vetoes in Resolution 413-2003 as one Omnibus vote.

**P.O. POSTAL:**

Do I have a second?

**MR. SABATINO:**

That just takes ten votes to pass that procedural motion.

**P.O. POSTAL:**

Is there a second on that motion?

**LEG. FOLEY:**

I'll second the motion.

**LEG. VILORIA-FISHER:**

Second.

**P.O. POSTAL:**

Legislator Viloria-Fisher. I am making this motion with I guess the consideration that the people who worked on putting this together worked very, very hard. And by putting this together which

I voted for and I continue to think is a very responsible amendment, I recognize that the amendment fits together and puts parts together very carefully. And that unless we vote on this as a whole, we run the danger of ending up with something that's fragmented and that doesn't have parts that work together. So I would hope that people will vote to -- vote for this amendment as a whole because in my opinion it's the only logical way to proceed. Legislator Foley.

**[RETURN OF STENOGRAPHER-LUCIA BRAATEN]**

**LEG. FOLEY:**

Yes, Madam Chair.

**LEG. FIELDS:**

I think we need a second.

**P.O. POSTAL:**

I think we had a second.

**LEG. FOLEY:**

I seconded. I seconded the motion.

**LEG. VILORIA-FISHER:**

I seconded.

**LEG. FOLEY:**

Or whoever, Viloria-Fisher. Okay, fine. I just want to echo the Presiding Officer's comments. This was an exercise of bipartisan cooperation, if you will, in developing an alternative Capital Program. We included capital projects, such as at the Community College, and others that are going to really move forward the, let's say, public mission of the College and also the public mission of our County government.

I would just use one example of why it's important that we move forward with this particular approach. We have a number of individual vetoes that, taken together, are really going to hurt the public, and I would hope that by doing this as one package, that way we can move forward more quickly than if we had to do these individually. So, in the spirit of bipartisanship that

crafted this Capital Program, I would hope, then, that we could vote this up or down as one resolution, as opposed to dividing it into the many different parts of the vetoes as submitted.

**LEG. CARACCILO:**

Move the vote.

**P.O. POSTAL:**

Okay. Now, remember, this is a procedural vote to take --

**LEG. GULDI:**

Take it as one.

**P.O. POSTAL:**

-- **Resolution 413** as a whole in amending and overriding the veto. I made the motion, Legislator Foley seconded. All in favor? Opposed?

**LEG. BINDER:**

Opposed.

**P.O. POSTAL:**

Legislator Binder. Okay.

**MR. BARTON:**

16.

**P.O. POSTAL:**

Now, I'll make a motion to override the veto of the County Executive, seconded by Legislator Lindsay.

**D.P.O. CARACAPPA:**

Which one are we doing?

**LEG. BINDER:**

On the motion.

**P.O. POSTAL:**

On the motion, Legislator Binder.

**LEG. BINDER:**

Let me just ask --

**P.O. POSTAL:**

This is the whole, the whole thing, the whole of 413.

**LEG. BINDER:**

Let me ask Budget Review. When the County Executive vetoes Resolution 413, which is Capital Project 5541, which is improvements to South County Road, he says that eliminating three-and-a-half million dollars for improvement, they're nonaided, not considered urgent, and it's not a priority, there are other more important roads that really need reconstruction, what would be your comment in terms of what you know of the roads that need reconstruction versus -- and are of the highest priority, versus those that might have lesser priority?

**P.O. POSTAL:**

We're awaiting for an answer from Budget Review, I think.

**MR. SPERO:**

This was the funding requested by DPW for this -- continue this project.

**P.O. POSTAL:**

I'm sorry. Could you say that a little louder?

**MR. SPERO:**

This was the funding requested by DPW to continue the project.

**LEG. BINDER:**

Right, they requested a lot of things. That doesn't make it -- the County Exec, I'm sure with the aid of his DPW, said that if we're going to -- in a sense, what he's saying is if we're going to add three-and-a-half million dollars to something, this is not the top project that we would add three-and-a-half million dollars to, just because, I mean, they requested a lot of things. But -- so my question is, is this road -- is that -- what would your comment be in terms of this road versus

other roads in terms of need to allocate three-and-a-half million dollars. Is it -- are there potholes everywhere, it's falling apart, the roads become dangerous, as compared to do we have roads that have become dangerous and could use the money rather than this or --

**LEG. FOLEY:**

Just through the Chair, you know, I could answer the --

**LEG. BINDER:**

I'm not -- just let me ask --

**LEG. FOLEY:**

I could answer the question, because it's in my district.

**LEG. BINDER:**

I know, but I'm asking Budget Review.

**MR. POLLERT:**

It was also a recommendation of the Budget Review Office, in part, because it was a Legislative initiative that was included by the Legislature last year, therefore, we considered it to be a Legislative priority. The funds were requested by the Department of Public Works and we made the recommendation, because there was a Legislative initiative to continue the funding.

**LEG. BINDER:**

So it's a Legislator's or a Legislative initiative, rather than your being able to answer me in saying, "Well, you know, in the survey that we've looked at, you know, and the roads that we've looked at, this is a very high priority, it's falling apart, we've got problems, it's become dangerous," so your answer, basically, is because it's a Legislative initiative, because someone here wanted it, that's why it's a good reason. Then you felt we should go forward with it, as long as DPW agreed with the Legislature on that, that we should have the money. Because, when they requested it, you know, they weren't choosing between things, they were saying, "We'll take that and we want everything else, too." I mean, they just included that and, "Okay, we'll include that too," right; I mean, isn't that the case?

**MR. POLLERT:**

The funding was included last year as part of the Legislative initiative. Therefore, when we did

the review, we considered that to be a reflection of the Legislative policy. The capital ranking number on this was a 59 by the County Executive, which gave it a relatively high priority. It would be included just based upon the project ranking number that it got.

**LEG. BINDER:**

Okay. With Project 4017, the health clinic at Southside Hospital, the County Executive says that the County should be cautious regarding a policy of building facilities for private use. That's generally been the discussions that we've had from Budget Review. You concur with that? How do you --

**MR. POLLERT:**

The Health Department made the proposal to the Space Committee, which also includes representatives of the County Executive's Office. It was the unanimous recommendation of the Space Committee that the proposal had merits. It will provide the capability to the County to collocate a health center. It is an innovative, creative approach. The planning funds were included, which only gives us the capability of using a mechanism like the GFA or the JFA to do the actual construction at no County cost. The planning funds were included in the Capital Program, but not the construction funds. So it was also a recommendation of the Budget Review Office and we wrote up the project recommending inclusion by the Legislature.

**LEG. BINDER:**

And you think it's good for us to lock in with the particular hospital --

**MR. POLLERT:**

I think it's a great idea, yeah.

**LEG. BINDER:**

-- and in with a private -- and building for private?

**MR. POLLERT:**

Yes, in part, because the reimbursement rates have changed in Health Department, but more importantly, if the County starts to move ahead with the planning and then we do the final construction through the JFA, we can actually capture all the reimbursement rates, and will be less expensive than if we went out for a long-term lease for a health center. And, at the same time, there are going to be operational savings, because if you have an individual that shows up

at the emergency room that should really be seen in the clinic, we're not going to be charged for an out-of-service, if they're part of the Family Health Program that the County operates, they would be sent to the clinic and not seen in the emergency room.

**LEG. BINDER:**

Okay, thanks.

**P.O. POSTAL:**

Without having gone through all of the capital projects, I think that this amendment is the best, not only amendment, it's the best action that I've seen, not only in this budget, but in a great many budgets. I think that it's a fine example of locating a County facility in a downtown area. I think that the fact that it's adjacent to a hospital, which is a contract hospital, is not only a smart idea, but it enables us to provide better health care, because patients who come to the health center who need to have specialized care can go right next door to the hospital. The hospital can provide immediate care for people who need that kind of care.

I know, George, it's been very difficult. It's been very difficult for me and for everybody else, too, but I think this is really important, because not only is this a good project, but I think it should be a model for other things that we do in the County. I can't imagine any reason that anybody would sustain this veto, so I would ask you to override it. Thank you.

**LEG. FOLEY:**

Madam Chair, if I may. Speaking as the Health and Education Chair, this particular resolution, this capital project is absolutely necessary. Right now, with no health center in Bay Shore, I say less than half of the former patients at the Bay Shore Health Center are going to Brentwood. This needs to be relocated in this downtown area. You have a community that is welcoming this. And the fact of the matter is one of the small ironies to this is while the County Executive vetoed this portion of the omnibus, his own Health Department eagerly worked with the Southside Hospital to make this happen. So, for whatever reason, you know, the Administrative Headquarters of the Health Department and the Exec's Ninth Floor, with all due respect, maybe there was a miscommunication, but the Health Department itself has this as it's highest priority, as does our committee and does the Space Management Committee.

**P.O. POSTAL:**



We have a motion and a second.

**LEG. BINDER:**

Just one more question of Budget Review. Could you give me the overall effect if this were -- if the veto were sustained, what would be the effect money-wise, numbers-wise? If we don't know that, we shouldn't be voting. As far as I'm concerned, at the point that we know the answer to the question --

**P.O. POSTAL:**

Well, he knows it.

**LEG. BISHOP:**

Oh, he knows it.

**LEG. BINDER:**

I think -- okay.

**LEG. BISHOP:**

And now you're going to know it.

**MR. SPERO:**

Yeah, it's --

**LEG. BISHOP:**

What's the answer?

**MR. SPERO:**

If the veto's sustained, it goes back to as originally adopted. And the County Executive's fiscal impact statement accompanying the veto message states that it's a reduction of the 20.1 million dollars in the 2004 Capital Budget, the reinstatement of 1.2 million dollars in 2005, a reduction of 13 million dollars in 2006, and the reinstatement of 12.9 million in subsequent years. So those are the effects of his vetoes.

**LEG. BISHOP:**

So it's a more than 20 million dollar cut in the Capital Budget.

**LEG. BINDER:**

In the Capital Budget.

**MR. SPERO:**

That the County Executive's vetoes, yes.

**LEG. BINDER:**

Right.

**LEG. BISHOP:**

Right. So I just -- okay.

**P.O. POSTAL:**

Okay.

**LEG. BINDER:**

So a vote to override the veto is adding 20 million to the Capital Budget. Okay.

**P.O. POSTAL:**

Okay.

**LEG. BINDER:**

Thanks.

**LEG. BISHOP:**

On the motion.

**P.O. POSTAL:**

On the motion, Legislator Bishop.

**LEG. BISHOP:**

If I'm the last person. Is it germane if I make a speech about the jail again?

**P.O. POSTAL:**

No.

**LEG. BISHOP:**

No? All right. Then I will not make a speech.

**P.O. POSTAL:**

Okay.

**LEG. BISHOP:**

But I will say that the -- because of the jail, I'm going to have to support the vetoes, because I need to reduce the overall Capital Budget. The Capital Budget is bloated now, so much so that it will drive up a 100% increase in the Operating Budget on the tax line. The General Fund tax line will go up 100% as a result of these capital expenditures, mainly because of the jail. If you remove the jail, these other projects which are more worthy and better planned, could go forward with -- certainly, with my support.

**P.O. POSTAL:**

Thank you, Legislator Bishop. We have a motion and a second to override the veto in total. All in favor?

**MS. BURKHARDT:**

Roll call.

**P.O. POSTAL:**

Do I have to do a roll call? Okay. Roll call.

**(Roll Called by Mr. Barton, Clerk)**

**P.O. POSTAL:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. TONNA:**

Yep.

**LEG. BINDER:**

No.

**LEG. BISHOP:**

No.

**LEG. NOWICK:**

Yes.

**LEG. CRECCA:**

Pass.

**LEG. CARPENTER:**

(Not Present)

**LEG. ALDEN:**

She'll be here in one second.

**LEG. ALDEN:**

Yes, to override.

**LEG. FIELDS:**

Pass.

**LEG. FOLEY:**

Yes, to override.

**LEG. HALEY:**

No.

**LEG. VILORIA-FISHER:**

Yes.

**LEG. GULDI:**

Pass.

**LEG. CARACCILO:**

Pass.

**D.P.O. CARACAPPA:**

Yes.

**LEG. CRECCA:**

Yes, to override.

**LEG. CARPENTER:**

(Not Present)

**LEG. FIELDS:**

Yes, to override.

**LEG. GULDI:**

Yes.

**LEG. CARACCILO:**

Nope.

**LEG. CRECCA:**

Wait, wait, before you call it, she was in the bathroom.

**P.O. POSTAL:**

We didn't need that much information. Thank you, Andrew.

**LEG. CARPENTER:**

Yes. Henry, yes.

**MR. BARTON:**

Yes, 13.

**LEG. CRECCA:**

I'd rather say she's there than --

**P.O. POSTAL:**

Well, you can say she's on her way.

**MR. BARTON:**

Thirteen.

**P.O. POSTAL:**

Good. Okay. The veto has been overridden.

**D.P.O. CARACAPPA:**

Madam Chair.

**P.O. POSTAL:**

Thank you. I'm going to make a motion --

**MR. SABATINO:**

There's two stand-alones.

**D.P.O. CARACAPPA:**

I have a stand-alone veto.

**P.O. POSTAL:**

Okay.

**MR. SABATINO:**

Two stand-alones.

**P.O. POSTAL:**

Two stand -- oh, I'm sorry.

**D.P.O. CARACAPPA:**

Yeah.

**P.O. POSTAL:**

I'm so sorry.

**D.P.O. CARACAPPA:**

Madam Chair, if I could, I'd like to make a motion to override Resolution No. 416.

**LEG. TONNA:**

What is that?

**LEG. GULDI:**

Second.

**D.P.O. CARACAPPA:**

For a veto.

**P.O. POSTAL:**

I'll second that.

**D.P.O. CARACAPPA:**

Resolution 416, Budget Amendment Number 9.

**P.O. POSTAL:**

We have a motion and a second to override the veto on **Resolution No. 416 of 2003, which was Budget Amending Resolution Number 9.** Do we need a roll call on these?

**MR. BARTON:**

No.

**LEG. FOLEY:**

Yes.

**P.O. POSTAL:**

All in favor? Opposed?

**LEG. HALEY:**

Opposed.

**P.O. POSTAL:**

Okay.

**LEG. BINDER:**

I'm opposed.

**P.O. POSTAL:**

The veto is overridden.

**LEG. FOLEY:**

Joe, do you have another one?

**P.O. POSTAL:**

Now, Joe --

**MR. BARTON:**

15.

**P.O. POSTAL:**

-- do you want --

**D.P.O. CARACAPPA:**

Four-thirteen.



**P.O. POSTAL:**

Four-twenty.

**D.P.O. CARACAPPA:**

I mean 420.

**P.O. POSTAL:**

Okay. We have --

**D.P.O. CARACAPPA:**

Oh, I'm sorry.

**LEG. FOLEY:**

Budget Resolution Number 17.

**D.P.O. CARACAPPA:**

Yeah. Actually, that was the one I wanted to do, so --

**P.O. POSTAL:**

Okay.

**D.P.O. CARACAPPA:**

**Resolution Number 420**, the veto, I'd like to -- I'll make a motion to override --

**LEG. FOLEY:**

Second the motion.

**D.P.O. CARACAPPA:**

-- this budget amendment.

**LEG. HALEY:**

On the motion.

**P.O. POSTAL:**

Let me have a second by Legislator Foley, and recognize Legislator Haley.

**LEG. HALEY:**

Legislator Caracappa, having done the Rails to Trails, if you recall, we have found that dealing with the State and the Federal Government and all of their various time lines are extremely strict. What I'm concerned with, and perhaps you could allay my fears, is specifically what the County Exec has mentioned about it jeopardizing the receipt of substantial aid for the project.

**D.P.O. CARACAPPA:**

I'd be happy to, Legislator Haley. We've spoken for years now to --

**LEG. HALEY:**

We?

**D.P.O. CARACAPPA:**

Me and Legislator Foley have met countless times with the Department of Public Works on this issue and this project, and as recently as last Tuesday afternoon. After I had mentioned to them that I was going to push the construction money back a year, they didn't seem to have a problem with it. In fact, they said that was okay, as long as the acquisition money stayed, the right-of-way acquisition money stayed where it was, which we did do.

This is going to be an extensive project with extensive right-of-ways taking. And by the time we even get through the -- doing the maps and then eventually doing the acquisitions for the right-of-ways along this corridor, we're looking at 2006, easily.

**LEG. HALEY:**

Okay. I'm just -- I was more curious about the TEA money.

**D.P.O. CARACAPPA:**

Yeah. This accomplishes two things. Number one, it fits the time line better, because that's an accurate time line with relation to construction, and number two, it also gives the community more time to continue to have input, which is another essential project -- part of the project, to me anyway.

**P.O. POSTAL:**

Okay.

**LEG. FOLEY:**

Madam Chair, if I may.

**P.O. POSTAL:**

Well, if you don't mind, I'd like to make a motion --

**LEG. FOLEY:**

There is a motion.

**P.O. POSTAL:**

-- to discharge -- oh, I'm sorry, go ahead.

**LEG. FIELDS:**

We have to vote.

**P.O. POSTAL:**

We haven't done the vote.

**LEG. FOLEY:**

I just want to --

**P.O. POSTAL:**

Go ahead.

**LEG. FOLEY:**

Yeah. Representing the south side of Horse Block, I just want to mention the fact that it's at the earliest that the construction will begin 2006. And what we've been told is that with the acquisition monies that are still in place, because of the complexity of the acquisitions along this particular corridor, it could take two to three years to actually acquire that property. So it could be 2006 or even 2007 before there's actual construction. So the way that Legislator Caracappa and I have fashioned this particular amendment is more in keeping with the realities of the capital project.

**P.O. POSTAL:**

That's an excellent point. Thank you. Okay. So we have a motion and a second to override the veto. All in favor? Opposed? The veto is overridden.

**LEG. FOLEY:**

Thank you.

**P.O. POSTAL:**

Thank you.

**MR. BARTON:**

17.

**P.O. POSTAL:**

I'm going to make a motion to discharge **Introductory Resolution 1522, which is approving the reappointment of Alice T. Cone as a member of the Suffolk County Human Rights Commission**, and to discharge **Introductory Resolution 1526, approving the reappointment of Rachel Davis as a member of the Suffolk County Human Rights Commission**.

**LEG. BISHOP:**

Are they here?

**P.O. POSTAL:**

Excuse me? Well, there -- you know, I'd be happy to explain why, if I could get a second.

**LEG. FOLEY:**

Are they here?

**LEG. BINDER:**

Second.

**P.O. POSTAL:**

Thank you. Let me start with Alice Cone. Alice Cone has been an --

**LEG. BISHOP:**

We all like these people. They didn't come to the committee meeting.

**P.O. POSTAL:**

Why didn't they come? I'll tell you. Alice Cone's husband has been seriously ill for quite sometime. There were many days when she could not attend meetings because of her husband's bad health. She did inform Rabbi Moss and he excused her from attending those meetings.

In addition, in addition, she also serves a function in the Police Department, where she acts as, I guess, an educator, and, also, she listens to complaints of human rights violations in the Police Department. When they schedule them, they schedule them. So she could not come to the committee, according to Rabbi Moss, because of obligations. Well, I don't know why nobody told you that.

You know, I know Alice Cone. She's my constituent, and I know that she's been an outstanding advocate for -two human rights for years and years and years. And I know that between her husband's seriously impaired health and her obligations with regard to defending human rights within the Police Department, there are times that she just finds it impossible to come to meetings. And Rabbi Moss feels what she's doing is so important when she's working with the Police Department that he excuses her. That's as far as -- Legislators Vioria-Fisher.

**LEG. VILORIA-FISHER:**

Madam Chair, I'd like to add something for the record, because at our meeting, when she did not attend the meeting, there was -- I believe Paulette was there, Paulette Bartunek was at the meeting and she didn't realize we had already voted on it. She caught me outside when I went to get something in the car. She said there was an E-mail that went out to the members of the Commission saying that there was no need for them to attend the meeting. Rabbi Moss had spoken with Legislators Guldi, who said, "Well, they're reappointments, they don't have to come." So there was -- the only person who attended was the person who did not get the E-mail. So I just want to put that on the record, that was why she did not attend our committee meeting.

**P.O. POSTAL:**

Thank you. Legislator Haley.

**LEG. HALEY:**

I think we have this all backwards. Remember the good old days when, if people who volunteered were up for reappointment, in absence of some problem, we wouldn't ask them to come back down, because it takes a lot of their time, and unless a particular Legislator or particular committee all of a sudden has a problem, why invite them? Why shouldn't we just move reappointments along and be done with it? Another step towards efficiency?

**P.O. POSTAL:**

Legislator Fisher.

**LEG. FIELDS:**

No.

**P.O. POSTAL:**

Did you -- no.

**LEG. FIELDS:**

Fields.

**P.O. POSTAL:**

Legislator Fields.

**LEG. VILORIA-FISHER:**

I already spoke.

**P.O. POSTAL:**

Used to do that all the time. Legislator Fields.

**LEG. FIELDS:**

I believe that one of the reasons was something that I've said at every committee that I'm at, and that is for the Legislators who have never had an opportunity to meet some of the people that serve on some of these committees, it gives you the opportunity to meet them face to face,

understand what they do, and just not have a rubber stamp, you know. It would be nice to know that if they're on a committee in Suffolk County, that the Legislature knows who those people are. So, for those who do appear, we do ask them questions, and there have been some committees where we actually have not approved a reappointment or an appointment. And I think that that's good sense, good business. Whether they're volunteers or not, sometimes they're not appropriate to serve on committees.

**P.O. POSTAL:**

I would suggest --

**LEG. HALEY:**

I like the good old days.

**P.O. POSTAL:**

I would suggest that maybe it would make sense if the --

**LEG. FIELDS:**

No, I wasn't finished.

**P.O. POSTAL:**

Oh, I'm sorry.

**LEG. FIELDS:**

The only thing I was going to ask is don't these people serve as holdovers if we don't approve them today, and could we just allow them to come and visit with us at the next committee meeting?

**P.O. POSTAL:**

I'll answer.

**LEG. FIELDS:**

I mean, we're not going to stop them from serving, right?

**P.O. POSTAL:**

I think that what we could do and what might be acceptable, and a little considerate of their special needs, is perhaps we could send them a letter saying that there are members of the Legislature who have not had a chance to meet them, and invite them to come at their convenience to meet with those members of the Legislature whom they have not met. That would give them some ability to meet the Legislators, and, yet, I guess, function --

**LEG. FIELDS:**

You mean on their own private time?

**P.O. POSTAL:**

Yeah.

**LEG. FIELDS:**

May I interrupt and just say that that --

**P.O. POSTAL:**

Sure.

**LEG. FIELDS:**

If there were five Legislators that wanted to see them, then the one time that they would come to the committee would be less time consuming than visiting five separate Legislators at five different times. I don't, you know --

**LEG. HALEY:**

I can respond to that, if you don't mind.

**P.O. POSTAL:**

Legislator Haley.

**LEG. HALEY:**

Remember the good old days again, when I was the Chairman of Legislator and Personnel.

**P.O. POSTAL:**

When you were young and foolish.



**LEG. HALEY:**

When I was young and foolish. What we used to do is if there were appointments, even appointments or reappointments, I would send a message out and request every Legislator that was on that committee if they had a desire for that person to come down. And in absence of request, we didn't invite them. And most times, most times, 98, 99% of the time, nobody wanted them to come down, because they knew it was perfunctory, it was taking away too much time.

**LEG. FIELDS:**

Then what's the purpose of them coming?

**LEG. HALEY:**

Well, we can't -- you know, you can't do everything all of the time.

**LEG. CRECCA:**

Let's take a vote.

**P.O. POSTAL:**

Okay. This is just a motion and a second to discharge these two resolutions. All in favor?  
Opposed?

**LEG. FIELDS:**

Opposed.

**P.O. POSTAL:**

Legislator Fields is opposed. Okay. Now, these resolutions, yes, are aging.

**MR. BARTON:**

15.

**D.P.O. CARACAPPA:**

Madam Chair.

**P.O. POSTAL:**

Yeah.

**D.P.O. CARACAPPA:**

If I can be recognized.

**P.O. POSTAL:**

Legislator Caracappa.

**D.P.O. CARACAPPA:**

Before we go back to the agenda, seeing that we were doing veto overrides, there are two in our packet on other matters, and I'd like to address at least one of them now. And I'd like to make a motion to override the veto on Resolution 279, which is a local law establishing site selection procedure for substance abuse houses.

**LEG. VILORIA-FISHER:**

Second.

**LEG. LINDSAY:**

I second it.

**P.O. POSTAL:**

Motion by Legislator Caracappa, second by Legislator Vioria-Fisher to override. All in favor?

**LEG. BISHOP:**

Hold on, I just wanted to see how I voted.

**P.O. POSTAL:**

You want to be consistent, I understand.

**LEG. BINDER:**

Hold on. Hold on. Hold on.

**LEG. ALDEN:**

Joe, which -- I didn't even get --

**D.P.O. CARACAPPA:**

Sober house.

**P.O. POSTAL:**

This is the sober house resolution.

**LEG. BISHOP:**

Sober house, I think I voted against this.

**LEG. TONNA:**

I voted -- I'm against it.

**P.O. POSTAL:**

This is a local law establishing a site selection procedure for substance abuse houses. Are there any questions?

**LEG. BINDER:**

Hold on, hold on.

**P.O. POSTAL:**

Okay.

**LEG. FOLEY:**

Madam Chair, while they're looking, I'd like to comment on it.

**P.O. POSTAL:**

Okay. Legislator Foley.

**LEG. FOLEY:**

Thank you, Madam Chair. I hope we can override this veto. This is of critical importance. We have communities throughout this county, in particular, I can think of the Ronkonkoma community, Mastic/Shirley community, the greater Patchogue community, and, no doubt, there are other communities --

**P.O. POSTAL:**

Come on into Babylon.

**LEG. FOLEY:**

-- that have it, and in Islip as well, where there's a disproportionate number of particularly what are colloquially known as sober homes in those areas. Just to give you one illustration -- two illustrations, in Ronkonkoma alone, I think there was over 14, or to 16. In the Mastic/Shirley area, I think that it went from -- it jumped from 21 some-odd to over 41. So, you know, this is a real problem. Many of us who over the years have been involved in trying to bring services to the public can still feel very strong about this, because this is not a program where there is, let's say, supervision or an in-depth --

**P.O. POSTAL:**

Or therapy, excellent point.

**LEG. FOLEY:**

Or an in-depth administration of services. This is more about profiteering than anything else, so that's why we really need to override this veto.

**LEG. CARACCILO:**

Call the question.

**P.O. POSTAL:**

Well said. All in favor of the override? Opposed?

**[OPPOSED SAID IN UNISON BY LEGISLATORS]**

**LEG. CRECCA:**

Roll call.

**P.O. POSTAL:**

Roll call. Override.

**(Roll Called by Mr. Barton, Clerk)**

**D.P.O. CARACAPPA:**

Yes.

**LEG. VILORIA-FISHER:**

Yes.

**LEG. COOPER:**

Yep.

**LEG. TONNA:**

No.

**LEG. BINDER:**

Yes.

**LEG. BISHOP:**

No.

**LEG. NOWICK:**

No.

**LEG. CRECCA:**

Yes, to override.

**LEG. CARPENTER:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. FIELDS:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. HALEY:**

No.

**LEG. GULDI:**

No.

**LEG. CARACCILO:**

Absolutely.

**P.O. POSTAL:**

Yes.

**MR. BARTON:**

12.

**LEG. NOWICK:**

Change mine to a yes.

**MR. BARTON:**

What's that?

**LEG. NOWICK:**

Yes.

**MR. BARTON:**

Yes. She changed her vote. Okay, it's 13.

**LEG. BINDER:**

Madam Chair.

**MR. BARTON:**

Thirteen.

**LEG. BINDER:**

Madam Chair, I'd like to make a motion to override ***Resolution 321-2003.***

**LEG. BISHOP:**

Second.

**LEG. BINDER:**

-- ***a Local Law to restrict purchase of Sport Utility Vehicles (SUV) in Suffolk County.***

**LEG. CARACCIOLO:**

Second.

**P.O. POSTAL:**

Okay. There's a motion to override by Legislator Binder, seconded by Legislator Bishop. All in favor? Opposed?

**(Opposed Said in Unison by Legislators)**

**LEG. CRECCA:**

Roll call.

**P.O. POSTAL:**

Let's -- we don't need a roll call. Those who are opposed are Legislator Guldi, Legislator Haley, Legislator Caracappa, Legislator Alden.

**LEG. TONNA:**

All right.

**LEG. CARACCIOLO:**

The gas guzzlers.

**D.P.O. CARACAPPA:**

I withdraw my request for a roll call.

**P.O. POSTAL:**

Thank you. The veto is overridden. We have -- I'm trying. Resolution --

**LEG. BINDER:**

No. Wait, wait, wait.

**LEG. BISHOP:**

What's the vote?

**MR. BARTON:**

Thirteen.

**LEG. BISHOP:**

Thank you.

**P.O. POSTAL:**

We have **Resolution Number 319 - Adopting a local law to penalize illegal clearing or building in the Suffolk County Pine Barrens.**

**LEG. FOLEY:**

Motion to override.

**P.O. POSTAL:**

Motion to override by Legislator Foley.

**LEG. CARACCILO:**

Second.

**LEG. CRECCA:**

Second.

**P.O. POSTAL:**

Well, the sponsor is -- it's up to you folks, but I just want you to know --



**LEG. LINDSAY:**

Go ahead.

**LEG. COOPER:**

We accomplished what I desired at the State level. There's now an agreement by State Legislative leaders and the Governor to enact the penalties that we were seeking. The Long Island Pine Barrens Society feels that we've accomplished our goal. So based on that, I am willing to sustain the veto.

**LEG. FOLEY:**

Let me just ask this question, though. As much as the State -- we've achieved on the State level, you don't see -- let's say, it's not going to help the cause to have a County law or a County resolution?

**LEG. CARACCILO:**

Contrary to everything he professed for the last six months.

**P.O. POSTAL:**

Mike.

**LEG. FOLEY:**

Well, let me just put it this way. Legislator Cooper, there are times when the State will pass something, but we will also pass it locally, just, let's say, to have a little double insurance on a particular situation. Is there real parity between what the State has done and what your resolution was endeavoring to do, or is there any difference?

**LEG. COOPER:**

Yes, there's more or less parity. They went farther than I believe was what they originally intended. I have been told by several sources that it was largely because of the action that we took here at the County level that the State finally has acted. So based on those assurances and based on support from the Pine Barrens Society, which had been a very strong supporter of my resolution, I'm willing to sustain the veto.

**LEG. FOLEY:**

Well, Madam Chair, I normally defer to the sponsor of the legislation, but I'm still going to make the motion to override. And the reason I'm going to do it, because at the last meeting when I spoke on this, I mentioned the fact how there are hundreds of millions of dollars that we have invested in our Pine Barrens, and with that said, we should also be there to try to protect those lands through legislation like this, notwithstanding the State's good work. But there's no reason why we can't have, let's say, some redundancy here in order to protect the Pine Barrens. So I'm still going to make the --

**P.O. POSTAL:**

Okay.

**LEG. FOLEY:**

I'm still going to make the motion to override.

**P.O. POSTAL:**

There's a motion to override the veto. Is there a second?

**LEG. GULDI:**

I'll second. Second.

**P.O. POSTAL:**

Legislator Guldi. Roll call.

**(Roll Called by Mr. Barton, Clerk)**

**LEG. FOLEY:**

Yes, to override.

**LEG. GULDI:**

Yes.

**LEG. COOPER:**

Pass.

**LEG. TONNA:**

No.

**LEG. BINDER:**

No.

**LEG. BISHOP:**

Abstain.

**LEG. NOWICK:**

Yes.

**LEG. CRECCA:**

No, to override.

**LEG. CARPENTER:**

Abstain.

**LEG. ALDEN:**

No.

**LEG. FIELDS:**

No.

**LEG. LINDSAY:**

No.

**LEG. HALEY:**

No.

**LEG. VILORIA-FISHER:**

No.

**LEG. CARACCIOLO:**

Yes.

**D.P.O. CARACAPPA:**

No.

**P.O. POSTAL:**

Acceding to the wishes of the sponsor, no.

**LEG. COOPER:**

No.

**MR. BARTON:**

Four.

**P.O. POSTAL:**

Okay.

**LEG. BINDER:**

All right, keep moving.

**LEG. COOPER:**

But thank you, Brian, I appreciate that.

**P.O. POSTAL:**

Now, we return to a resolution that -- on Page 10, which we were discussing at the time that we recessed for lunch, **1546**, which has to do with the exemption from sales tax for --

**LEG. BISHOP:**

As I recall, Madam Chair, debate was concluded and we were calling the vote at that --

**LEG. TONNA:**

We were just voting on it.

**P.O. POSTAL:**

I can't hear you.

**LEG. BISHOP:**

At that time, we were -- debate was concluded and we were voting.

**P.O. POSTAL:**

Good, very good. A motion -- who was --

**LEG. TONNA:**

Roll call.

**P.O. POSTAL:**

Motion by?

**MR. BARTON:**

I have a motion and a second. Legislator Caracciolo, seconded by Legislator Binder.

**P.O. POSTAL:**

Okay. Roll call.

**LEG. CRECCA:**

Give us a page number.

**P.O. POSTAL:**

It's on Page 10.

**LEG. CRECCA:**

Thank you.

**P.O. POSTAL:**

It's at the very bottom of Page 10, **1546**.

**LEG. TONNA:**

Roll call.

**P.O. POSTAL:**

Roll call.

**(Roll Called by Mr. Barton, Clerk)**

**LEG. CARACCILO:**

Yes.

**LEG. BINDER:**

Yes.

**LEG. COOPER:**

Pass.

**LEG. TONNA:**

No.

**LEG. BISHOP:**

No.

**LEG. NOWICK:**

Pass.

**LEG. CRECCA:**

Pass.

**LEG. CARPENTER:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. FIELDS:**

Pass.

**LEG. LINDSAY:**

Pass.

**LEG. FOLEY:**

No.

**LEG. HALEY:**

I'm with him, no.

**LEG. VILORIA-FISHER:**

Abstain.

**LEG. GULDI:**

Pass.

**D.P.O. CARACAPPA:**

No.

**P.O. POSTAL:**

No.

**LEG. CARACCILOLO:**

Here we go.

**LEG. COOPER:**

Abstain.

**LEG. NOWICK:**

Yes.

**LEG. CRECCA:**

Yes.

**LEG. FIELDS:**

No.

**LEG. LINDSAY:**

No.

**LEG. GULDI:**

Abstain.

**MR. BARTON:**

Six.

**P.O. POSTAL:**

1546 is defeated.

**LEG. TONNA:**

Great. Let's keep moving.

**P.O. POSTAL:**

Let's see. Now Page 11. **1481 (Enlarging East End area eligible for placement of Medevac Helicopter)**. Approved 6-0. Who was that? Legislator Caracappa, seconded by Legislator Carpenter.

**LEG. CARACCIOLO:**

On the motion.

**P.O. POSTAL:**

On the motion, Legislator Caracciolo. Legislator Caracciolo.

**LEG. CARACCIOLO:**

Just a brief explanation here of exactly what this accomplishes.

**D.P.O. CARACAPPA:**

Well, it doesn't accomplish anything other than allowing us to look outside of Gabreski for hangar space.

**LEG. CARACCIOLO:**

Very good.

**D.P.O. CARACAPPA:**



That's all.

**LEG. CARACCILO:**

Okay.

**LEG. BISHOP:**

That's beautiful dialogue. I love that.

**LEG. CRECCA:**

Thank you.

**LEG. VILORIA-FISHER:**

Succinct.

**LEG. TONNA:**

All right. Roll call.

**P.O. POSTAL:**

Okay. We have a motion and a second.

**MR. BARTON:**

Yes, we do.

**P.O. POSTAL:**

Roll call.

**LEG. BISHOP:**

No, no roll call necessary.

**P.O. POSTAL:**

All in favor? Opposed?

**MR. BARTON:**

17.

**P.O. POSTAL:**

Gee.

**LEG. BINDER:**

Keep going.

**PUBLIC WORKS & TRANSPORTATION**

**P.O. POSTAL:**

Public Works and Transportation. **1293 (Approving extension of license for North Ferry Co., Inc.)**

**LEG. CARACCILO:**

Motion.

**P.O. POSTAL:**

Approved 5-0.

**LEG. HALEY:**

Second.

**LEG. TONNA:**

Second.

**LEG. BISHOP:**

We've really got to get into these ferries, you know.

**P.O. POSTAL:**

Who made the motion? Legislator Caracciolo, seconded by Legislator Haley. All in favor?  
Opposed?

**MR. BARTON:**

17.

**P.O. POSTAL:**

1293 is approved. ***1377 (Amending the 2003 Capital Budget and Program and appropriating funds in connection with the removal of toxic and hazardous building materials and components at various County facilities (CP 1732).***

**LEG. TONNA:**

Motion.

**LEG. VILORIA-FISHER:**

Second.

**P.O. POSTAL:**

Motion by Legislator -- was that Tonna?

**LEG. TONNA:**

Yes.

**P.O. POSTAL:**

Seconded by Legislator Viloría-Fisher. Roll call.

**(Roll Called by Mr. Barton, Clerk)**

**LEG. TONNA:**

Yes.

**LEG. VILORIA-FISHER:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. BINDER:**

Yes.

**LEG. BISHOP:**

No.

**LEG. NOWICK:**

Yes.

**LEG. CRECCA:**

Pass.

**LEG. CARPENTER:**

Yes.

**LEG. ALDEN:**

Pass.

**LEG. FIELDS:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. HALEY:**

Yes.

**LEG. GULDI:**

Yes.

**LEG. CARACCIOLO:**

Yes.

**D.P.O. CARACAPPA:**

Yes.

**P.O. POSTAL:**

Yes.

**LEG. BISHOP:**

Change my vote to a yes, please.

**MR. BARTON:**

Yes, certainly.

**LEG. CRECCA:**

Yes.

**LEG. ALDEN:**

Yes.

**MR. BARTON:**

17 on the bond.

**P.O. POSTAL:**

Same motion, same second, same vote. **1504 (appropriating funds in connection with improvements to CR 39, North Road, Town of Southampton (Capital Program Number 5528)).**

**LEG. GULDI:**

Motion.

**LEG. CARACCILO:**

Second.

**LEG. TONNA:**

Second.

**P.O. POSTAL:**

Legislator Guldi, seconded by Legislator Bishop. Roll call.

**(Roll Called by Mr. Barton, Clerk)**

**LEG. GULDI:**

Yes.

**LEG. TONNA:**

Yep.

**LEG. COOPER:**

Yes.

**LEG. BINDER:**

Yes.

**LEG. BISHOP:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. CRECCA:**

Yes.

**LEG. CARPENTER:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. FIELDS:**

Yes.

**P.O. POSTAL:**

You can just do the last names.

**LEG. LINDSAY:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. HALEY:**

Yes.

**LEG. VILORIA-FISHER:**

Yes.

**LEG. CARACCIOLO:**

Yes.

**D.P.O. CARACAPPA:**

Yes.

**P.O. POSTAL:**

Yes.

**MR. BARTON:**

17 on the bond.

**P.O. POSTAL:**

1504 is -- same motion, same second, same vote.

**LEG. CARACCIOLO:**

Okay.

**P.O. POSTAL:**

***1505 (Appropriating funds in connection with the rehabilitation of CR 51, Moriches-Riverhead Road, Towns of Brookhaven and Southampton (Capital Program Number 5564)).***

**LEG. GULDI:**

Motion.

**LEG. CARACCIOLO:**

Second.

**P.O. POSTAL:**

Motion by Legislator Caracciolo, seconded by Legislator Guldi.

**LEG. FOLEY:**

Which reso is this?

**P.O. POSTAL:**

Roll call. You guys look very funny waving from that side of the horseshoe.

**(Roll Called by Mr. Barton, Clerk)**

**LEG. CARACCIOLO:**

Yes.

**LEG. GULDI:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. TONNA:**

Yes.

**LEG. BINDER:**

Yes.

**LEG. BISHOP:**

Yes.



**LEG. NOWICK:**

Yes.

**LEG. CRECCA:**

Yes.

**LEG. CARPENTER:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. FIELDS:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. HALEY:**

Yes.

**LEG. VILORIA-FISHER:**

Yes.

**D.P.O. CARACAPPA:**

Yes.

**P.O. POSTAL:**

Yes.

**MR. BARTON:**

17 on the bond.

**P.O. POSTAL:**

Same motion, same second, same vote. **1508 (Amending the 2003 Capital Budget and Program and appropriating funds in connection with safety improvements to CR 12, Oak Street/Hoffman Avenue, Town of Babylon (Capital Program Number 3301)).**

Approved 5-0. Motion by Legislator Bishop, seconded by myself. Roll call.

**(Roll Called by Mr. Barton, Clerk)**

**LEG. BISHOP:**

Yes.

**P.O. POSTAL:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. TONNA:**

Yes.

**LEG. BINDER:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. CRECCA:**

Yes.

**LEG. CARPENTER:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. FIELDS:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. HALEY:**

Yes.

**LEG. VILORIA-FISHER:**

Yes.

**LEG. GULDI:**

Yes.

**LEG. CARACCILO:**

Yes.

**D.P.O. CARACAPPA:**

Yes.

**MR. BARTON:**

17 on the bond.

**P.O. POSTAL:**

Same motion, same second, same vote. **1509 (Amending the 2003 Capital Budget and Program and appropriating funds in connection with the application and removal of lane markings (CP 5037)).** Approved 5-0.

**LEG. FOLEY:**

Motion.

**P.O. POSTAL:**

Motion by Legislator Foley, seconded by Legislator Haley.

**LEG. CARACCIOLO:**

Roll call.

**P.O. POSTAL:**

Roll call.

**(Roll Called by Mr. Barton, Clerk)**

**LEG. FOLEY:**

Yes.

**LEG. HALEY:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. TONNA:**

Yes.

**LEG. BINDER:**

Yes.

**LEG. BISHOP:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. CRECCA:**

Yes.

**LEG. CARPENTER:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. FIELDS:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. VILORIA-FISHER:**

Pass for a minute.

**LEG. GULDI:**

Yes.

**LEG. CARACCILO:**

Yes.

**D.P.O. CARACAPPA:**

Yep.

**P.O. POSTAL:**

Yes.

**LEG. VILORIA-FISHER:**

Okay, yes.

**MR. BARTON:**

17 on the bond.

**P.O. POSTAL:**

Same motion, same second, same vote. 1512.

**LEG. GULDI:**

Motion.

**MR. BARTON:**

Ten.

**P.O. POSTAL:**

A motion.

**LEG. GULDI:**

Ten, ten.

**P.O. POSTAL:**

Let's do this. Wait a minute. Legislator Caracappa, seconded by Legislator Foley.

**LEG. FOLEY:**

1510. This is 1510; correct?

**P.O. POSTAL:**

Yeah.

**MS. SULLIVAN:**

1510.

**LEG. GULDI:**

You said 12.

**LEG. BISHOP:**

Go ahead, hit it.

**LEG. TONNA:**

Go, go.

**LEG. BISHOP:**

Go, go, go, go.

**LEG. FOLEY:**

You said 12.

**P.O. POSTAL:**

No, no, no, I'm sorry, I didn't mean to.

**LEG. FOLEY:**

It's 1510.

**P.O. POSTAL:**

Actually, it's not, it's --

**LEG. FOLEY:**

1509?

**P.O. POSTAL:**

1509.

**LEG. GULDI:**

No, we just did that.

**MR. BARTON:**

We've done 1509.

**P.O. POSTAL:**

We did 1509, okay. ***1510 (Appropriating funds in connection with dredging of County waters (Capital Program Number 5200)).***

**MR. BARTON:**

On 1510.

**LEG. CARPENTER:**

Motion.

**(Roll Called by Mr. Barton, Clerk)**

**D.P.O. CARACAPPA:**

Yep.

**LEG. FOLEY:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. TONNA:**

Yep.

**LEG. BINDER:**

Yes.

**LEG. BISHOP:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. CRECCA:**

Yes.

**LEG. CARPENTER:**

Yes.

**LEG. ALDEN:**

Yes.



**LEG. FIELDS:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. HALEY:**

Yes.

**LEG. VILORIA-FISHER:**

No.

**LEG. GULDI:**

Yes.

**LEG. CARACCILOLO:**

Yes.

**P.O. POSTAL:**

Yes.

**MR. BARTON:**

16-1 on the bond.

**P.O. POSTAL:**

Same motion, same second, same vote. ***1511 (Appropriating funds in connection with the construction of right turn lanes on CR 3, Wellwood Avenue, Towns of Babylon and Huntington (CP5521).*** Approved 5-0 out of committee. Motion by Legislator Bishop, seconded by myself. Roll call on the bond.

**MR. BARTON:**

On the bond.

**(Roll Called by Mr. Barton, Clerk)**

**LEG. BISHOP:**

Yes.

**P.O. POSTAL:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. TONNA:**

Yeah.

**LEG. BINDER:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. CRECCA:**

Yes.

**LEG. CARPENTER:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. FIELDS:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. HALEY:**

Yes.

**LEG. VILORIA-FISHER:**

Yes.

**LEG. GULDI:**

Yes.

**LEG. CARACCILO:**

Yes.

**D.P.O. CARACAPPA:**

Yep.

**MR. BARTON:**

17 on the bond.

**P.O. POSTAL:**

Same motion, same second, same vote. ***1512 (Appropriating funds in connection with the rehabilitation of CR 83, Patchogue-Mt. Sinai Road, Town of Brookhaven (Capital Program Number 5563)).***

**LEG. FOLEY:**

Motion.

**D.P.O. CARACAPPA:**

Second.

**P.O. POSTAL:**

Approved 5-0. Motion by Legislator Foley, seconded by Legislator Caracappa.

**LEG. FOLEY:**

Just on the motion, if we could hear from Jim Spero. The stretch of roadway that 1512, County Road 83, will go from where to where, please?

**P.O. POSTAL:**

We're supporting it, Brian.

**LEG. FOLEY:**

I know.

**P.O. POSTAL:**

I know.

**LEG. FOLEY:**

I need it.

**P.O. POSTAL:**

Oh, okay.

**LEG. TONNA:**

You're not?

**LEG. FOLEY:**

Yeah. I need --

**LEG. HALEY:**

You're not supporting it, Brian.

**LEG. GULDI:**

Yeah, you could read the bill, Brian, it says so right there.

**P.O. POSTAL:**

No, he is. He was explaining something to me.

**LEG. FOLEY:**

I need ten minutes on a discharge.

**P.O. POSTAL:**

He was explaining something to me, that's all.

**LEG. TONNA:**

No, no, no, no.

**LEG. BISHOP:**

Oh, no, no, no, no.

**LEG. TONNA:**

Forget it, I'm voting against it.

**LEG. FOLEY:**

Oh, hey, come on, Paul.

**LEG. BISHOP:**

Come on, let's go.

**LEG. TONNA:**

No, come on. Don't stall, we'll do other things.

**LEG. FOLEY:**

We have help in the past.

**LEG. TONNA:**

We'll stall later. Stall later for your discharge.

**LEG. CRECCA:**

After we get the agenda.

**LEG. NOWICK:**

Don't worry, we have time.

**LEG. TONNA:**

Get the agenda done. You don't know how long it will be. Maybe there's a huge issue with regard to --

**LEG. BISHOP:**

Go ahead.

**LEG. TONNA:**

-- Sense Resolution 6.

**LEG. FOLEY:**

For the record.

**P.O. POSTAL:**

We have -- we have ten minutes.

**LEG. FOLEY:**

For the record, Mr. Spero.

**P.O. POSTAL:**

We can -- why don't you make a motion to waive the rules, Brian.

**LEG. BINDER:**

Right, you can waive the rules on --

**LEG. TONNA:**

You can waive the rules later, just let's go.

**LEG. FOLEY:**

All right. I will withdraw the question.

**LEG. TONNA:**

Great.

**LEG. BISHOP:**

All right.

**LEG. GULDI:**

Thank you, Brian.

**LEG. FOLEY:**

Thank you very much.

**LEG. BISHOP:**

Let's go.

**P.O. POSTAL:**

Okay, he'll come back to it.

**MR. BARTON:**

On 1512, I have a motion and a second.

**P.O. POSTAL:**

Well, we'll roll call.

**(Roll Called by Mr. Barton, Clerk)**

**LEG. FOLEY:**

Yes.

**D.P.O. CARACAPPA:**

Yep.

**LEG. COOPER:**

Yes.

**LEG. TONNA:**

Yes.

**LEG. BINDER:**

Yes.

**LEG. BISHOP:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. CRECCA:**

Yep.

**LEG. CARPENTER:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. FIELDS:**

Yes.

**LEG. LINDSAY:**

Yeah.

**LEG. HALEY:**

Yes.

**LEG. VILORIA-FISHER:**

Yes.

**LEG. GULDI:**

Yes.

**LEG. CARACCILO:**

Yes.



**P.O. POSTAL:**

Yes.

**MR. BARTON:**

17 on the bond.

**P.O. POSTAL:**

Same motion, same second, same vote. ***1462 (A Local Law to expand exemptions from Suffolk County Employment Residency Requirements).***

**LEG. FOLEY:**

Motion.

**P.O. POSTAL:**

Approved 3-0-0-1.

**LEG. FOLEY:**

Motion.

**P.O. POSTAL:**

Motion by Legislator Foley.

**LEG. VILORIA-FISHER:**

Second.

**P.O. POSTAL:**

Second by Legislator Viloría-Fisher. Mr. Sabatino, can we have an explanation?

**LEG. CRECCA:**

What is this?

**MR. SABATINO:**

This would expand the list of titles that would be exempt from a requirement that you be a resident of Suffolk County in order to hold a particular job. These are all titles that are in the

Health Department, Forensic Sciences, Medical Laboratory, those types of titles, Registered Nurses. There's a whole list of them.

**LEG. FOLEY:**

They're having great -- Madam Chair, they're having great difficulty recruiting these particular positions, and there's a number of qualified folks from the Nassau region.

**P.O. POSTAL:**

Okay. All in favor? Opposed?

**MR. BARTON:**

17.

**LEG. FOLEY:**

Thank you.

**P.O. POSTAL:**

1462 is approved. ***1478 (Authorizing Estee Lauder Breast Cancer Awareness Program at H. Lee Dennison Executive Office Building and Cohalan Court Complex)***. Approved 3-0-0-1. Motion by Legislator Alden.

**LEG. ALDEN:**

Motion.

**LEG. CARPENTER:**

Second.

**P.O. POSTAL:**

Seconded by Legislator Carpenter. All in favor? Opposed?

**MR. BARTON:**

17.

**P.O. POSTAL:**

1478 is approved. ***1484 (Accepting and appropriating a grant award from New York***

***State for an Acquired Brain Injury (ABI) Program, (29% federal funds) at Suffolk County Community College).***

**LEG. FOLEY:**

Motion.

**LEG. VILORIA-FISHER:**

Second.

**P.O. POSTAL:**

Motion by Legislator Foley, seconded by Legislator Viloría-Fisher. All in favor? Opposed?

**MR. BARTON:**

17.

**P.O. POSTAL:**

1484 is approved.

**LEG. FOLEY:**

Thank you.

**P.O. POSTAL:**

**1502 (Amending the 2003 Capital Budget and Program and appropriating funds in connection with the Mental Health Information Systems (CP 4063)).** Approved 3-0-0-1.

**LEG. FOLEY:**

Motion.

**LEG. VILORIA-FISHER:**

Second.

**P.O. POSTAL:**

Motion by Legislator Foley, seconded by Legislator Viloría-Fisher. Roll call.

**MR. BARTON:**

On the bond.

**(Roll Called by Mr. Barton, Clerk)**

**LEG. FOLEY:**

Yes.

**LEG. VILORIA-FISHER:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. TONNA:**

Yes.

**LEG. BINDER:**

Yes.

**LEG. BISHOP:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. CRECCA:**

Yeah.

**LEG. CARPENTER:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. FIELDS:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. HALEY:**

Yes.

**LEG. GULDI:**

Yes.

**LEG. CARACCIOLO:**

Yes.

**D.P.O. CARACAPPA:**

Yeah.

**P.O. POSTAL:**

Yes.

**MR. BARTON:**

17 on the bond.

**P.O. POSTAL:**

Same motion, same second, same vote. **1516 (Amending the 2001-2002 Suffolk County Community College Budget to increase the State operating aid).** Approved 3-0-0-1.

**LEG. TONNA:**

Motion.

**P.O. POSTAL:**

Motion to approve by Legislator Foley, seconded by myself. All in favor? Opposed?

**MR. BARTON:**

17.

**P.O. POSTAL:**

1516 is approved. **1517 (Amending the Temporary Salary and Classification Plan to increase the hourly rate for Work Study Assistant - on campus, Work Study Assistant - off campus, Work Study Assistant - Tutor, and Student Aide).** Approved 3-0-0-1. Motion by --

**LEG. FOLEY:**

Motion.

**P.O. POSTAL:**

-- Legislator Foley.

**LEG. HALEY:**

Second.

**P.O. POSTAL:**

Seconded by Legislator Haley. All in favor? Opposed?

**LEG. ALDEN:**

Abstain.

**MR. BARTON:**

17.

**P.O. POSTAL:**

1517 is approved.

**LEG. ALDEN:**

Abstain.

**MR. BARTON:**

16, 1 abstention.

**P.O. POSTAL:**

And abstention -- wait a minute. An abstention by Legislator Alden.

**PARKS, SPORTS & CULTURAL AFFAIRS**

**1415 (To re-appoint Muriel Weyl as a member of the Suffolk County Citizens Advisory Board for the Arts).**

**LEG. VILORIA-FISHER:**

Motion.

**P.O. POSTAL:**

Motion by Legislator Fisher. It was approved 6-0. Seconded by Legislator Carpenter. All in favor? Opposed?

**MR. BARTON:**

17.

**P.O. POSTAL:**

1415 is approved. **1436 (Appropriating funds in connection with improvements to water supply systems in County parks).** Approved 6-0.

**LEG. FOLEY:**

Motion.

**P.O. POSTAL:**

Legislator Foley -- motion by Legislator Foley, seconded by Legislator Bishop. Roll call.

**MR. BARTON:**

On the bond.

**(Roll Called by Mr. Barton, Clerk).**

**LEG. FOLEY:**

Yes.

**LEG. BISHOP:**

Yes.

**LEG. COOPER:**

Yep.

**LEG. TONNA:**

Yep.

**LEG. BINDER:**

Yes.

**LEG. NOWICK:**

Pass.

**LEG. CRECCA:**

Yes.

**LEG. CARPENTER:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. FIELDS:**

Pass.

**LEG. LINDSAY:**

Yes.

**LEG. HALEY:**

Yes.



**LEG. VILORIA-FISHER:**

Yes.

**LEG. GULDI:**

Yes.

**LEG. CARACCILO:**

Yes.

**D.P.O. CARACAPPA:**

Yep.

**P.O. POSTAL:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. FIELDS:**

Yeah.

**MR. BARTON:**

17 on the bond.

**P.O. POSTAL:**

Same motion, same second, same vote. I have to apologize to Legislator Viloría-Fisher. I'm sorry, I did not recognize you correctly. My memory is not what it had been just a short time ago and I do apologize to you.

**LEG. VILORIA-FISHER:**

When did you -- I don't know what you're talking about.

**LEG. GULDI:**

Withdraw it.

**LEG. FOLEY:**

Just say thank you.

**LEG. HALEY:**

She's got the same problem you do.

**LEG. ALDEN:**

We've got a whole bunch of senior moments here.

**P.O. POSTAL:**

Then it's really gracious of you to accept my apology.

**LEG. FOLEY:**

Just say thank you.

**P.O. POSTAL:**

Anyway, ***1482 (Amending the 2003 Capital Program and Budget and appropriating planning funds for stabilization of TWA Flight 800 Memorial at Smith Point County Park (CP 7162.112).*** Motion by Legislator Caracappa.

**LEG. FOLEY:**

Second.

**P.O. POSTAL:**

Seconded by Legislator Foley. Roll call on the bond.

**(Roll Called by Mr. Barton, Clerk)**

**D.P.O. CARACAPPA:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. TONNA:**

Yep.

**LEG. BINDER:**

Yes.

**LEG. BISHOP:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. CRECCA:**

Yes.

**LEG. CARPENTER:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. FIELDS:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. HALEY:**

Yes.

**LEG. VILORIA-FISHER:**

Yes.

**LEG. GULDI:**

Yes.

**LEG. CARACCIOLO:**

Yes.

**P.O. POSTAL:**

Yes.

**MR. BARTON:**

17 on the bond.

**P.O. POSTAL:**

Same motion, same second, same vote. ***1527 (Approving the reappointment of Raymond P. Corwin as a member of the Board of Trustees of the Suffolk County Department of Parks, Recreating and Conservation).*** Motion by Legislator Fields.

**LEG. VILORIA-FISHER:**

Second.

**P.O. POSTAL:**

Second by Legislator Viloría-Fisher. All in favor? Opposed?

**MR. BARTON:**

17.

**P.O. POSTAL:**

Approved.

**LEG. HALEY:**

Madam Chair.

**P.O. POSTAL:**

1527 is approved.

**LEG. HALEY:**

Madam Chair, could I -- just a personal privilege real quick? I just want to ask Legislators. I received a letter, dated June 18th, from Stu Meade of the Suffolk County Council of Boy Scouts. It said, "Dear Marty, the Suffolk County Council has decided not to accept any Legislative grants on behalf of any particular Scout Units. We appreciate your support of the Suffolk County Council in the past and hope for your continued support in the future." What I did is I asked for monies to go to a specific troop or Cub unit, and, apparently, they don't want to be -- in my view, they don't want to be bothered with the paper work. So I know we looked at the resolution, and I think there's one other Legislator, maybe it's Legislator Caracappa, that you either need -- we either -- I'm going to call and find out why they have a problem with that, because I'd still like to get that money down to the Troop level. But if not, then we would need to do a resolution to take the money and put it someplace else.

**P.O. POSTAL:**

Yeah, I don't think there's a problem. I think you have to just be cognizant to the window of opportunity for amending the budget, and then you have to really stay on the Department of Law to make sure that they get the contract executed in time.

**LEG. HALEY:**

Right, that's what we do, but --

**P.O. POSTAL:**

You know, I would suggest that a resolution to provide the money to the Council for use by Troop so and so, maybe that would be appropriate.

**LEG. HALEY:**

No, I don't think so. I don't think they want to do the paperwork.

**P.O. POSTAL:**

They wouldn't even accept that?

**LEG. HALEY:**

The problem is, is that they spread the money out. I don't think they -- they looked at the amount of money and, you know, \$500 isn't enough --

**P.O. POSTAL:**

Okay.

**LEG. HALEY:**

-- for them to do the paperwork, I guess. So I have a problem with that one.

**P.O. POSTAL:**

Okay. Well, you know --

**LEG. GULDI:**

Keep the money.

**LEG. HALEY:**

Thank you, Madam Chair.

**P.O. POSTAL:**

I think that you could introduce an amendment. You just have to really stay on top of it to make sure it moves quickly.

**LEG. HALEY:**

I understand it.

**P.O. POSTAL:**

We're going to turn to the Sense Resolutions on Page 13. Memorializing --

**LEG. CRECCA:**

We didn't do 1527, did we?

**P.O. POSTAL:**

Yeah, we did.

**LEG. BINDER:**

Yes, we did.

**P.O. POSTAL:**

We're so fast that sometimes we just whiz past before people can even see it.

**SENSE RESOLUTIONS**

**Sense 16 - Memorializing resolution requesting State of New York to toughen fines for selling tobacco to minors.** Approved 3-0-0-1. Motion by Legislator Alden.

**LEG. FOLEY:**

Second.

**P.O. POSTAL:**

Second by Legislator Foley. All in favor? Opposed?

**MR. BARTON:**

16. (Not Present: Leg. Tonna)

**P.O. POSTAL:**

Sense 16 is approved. **Sense 39 - Memorializing resolution requesting State of New York to modify Suffolk County Aquaculture Leasing Program.** Approved 5-0-0-1.

**LEG. CARACCILO:**

Second.

**P.O. POSTAL:**

Motion by Legislator Bishop, seconded by Legislator Caracciolo.

**LEG. CRECCA:**

Can we get a brief explanation?

**P.O. POSTAL:**

You've got to be faster, George. All in favor?

**LEG. CRECCA:**

Brief. Brief, George.

**LEG. BINDER:**

Brief explanation.

**LEG. GULDI:**

They're the recommendations of the study, as developed with the assistance of the Planning Department.

**LEG. CRECCA:**

That was brief.

**P.O. POSTAL:**

**Sense 42** --

**MR. BARTON:**

16, 1 not present. (Not Present: Leg. Tonna)

**P.O. POSTAL:**

-- **Memorializing resolution requesting State of New York to expand Suffolk County Judicial Facilities (JFA) Act.** Approved 5-1-0-1. Legislator Nowick.

**LEG. NOWICK:**

I make a motion to table, please.

**P.O. POSTAL:**

I'll second the motion to table.

**LEG. NOWICK:**

On the motion.

**P.O. POSTAL:**

All in favor? Go ahead.

**LEG. NOWICK:**

Just a quick explanation. I'm getting the feeling that there might be some misconception about



this, and I don't want to lose it because of that. And I thought I would take it to the next cycle, so I could work on it a little, and maybe any of my fellow Legislators that have any questions, certainly, contact my office, or Budget Review, because I think we have a chance here of saving 14 million dollars, so --

**P.O. POSTAL:**

And I just want to commend you for your thoroughness.

**LEG. NOWICK:**

Oh, thank you.

**P.O. POSTAL:**

So I'll second your motion.

**LEG. NOWICK:**

Fine, great.

**P.O. POSTAL:**

All in favor? Opposed?

**LEG. NOWICK:**

And contact me you know where.

**MR. BARTON:**

16, 1 not present. (Not Present: Leg. Tonna)

**P.O. POSTAL:**

Sense 42 is tabled. **Sense 44 - Memorializing resolution requesting Cablevision to extend full Suffolk County coverage to WVVH-TV58 --**

**LEG. GULDI:**

Motion.

**LEG. CARACCILO:**

Second.

**P.O. POSTAL:**

-- **Hamptons Television.** Motion by Legislator Guldi. It was 4-0, discharged without recommendation. Seconded by Legislator Caracciolo. All in favor?

**LEG. ALDEN:**

On the motion.

**LEG. VILORIA-FISHER:**

On the motion.

**LEG. ALDEN:**

Just, George, if you could explain what you want to do with this, and, also, what you're going to do with this after -- if it is passed, because, normally, we go up to New York State with things. Are you going to send this over to Cablevision, or what's your intent?

**LEG. GULDI:**

Yeah, this is because of the regulatory framework. We've actually attempted to do this before. Right now, they're giving limited coverage to some East End markets. They're a local broadcast station on -- I don't know what their exact -- low frequency. I don't remember what their exact call numbers are. And they should be carried and available county-wide. It's a local Suffolk County television station that you can't watch.

**LEG. ALDEN:**

So you're going to sent this -- the results of this resolution, you're going to send that to Cablevision?

**LEG. GULDI:**

Send it to Cablevision, and I'll ask for -- yeah, that's the unfortunate --

**LEG. ALDEN:**

With my special greetings?

**LEG. GULDI:**

Yeah. I'll tell them -- I'll tell them how you voted on it.

**P.O. POSTAL:**

Don't even mention Legislator Alden's name.

**LEG. CRECCA:**

You might want to get his name off this bill.

**LEG. VILORIA-FISHER:**

I have a --

**P.O. POSTAL:**

And, George, while you're doing that, for sometime I've been working on trying on give the Legislature the opportunity for some exposure on public access T.V. and I thought it would be of interest for the public to see how the Legislature functions --

**LEG. GULDI:**

I'm sure that anyone who wants to drive to the --

**P.O. POSTAL:**

-- although, some people might disagree with me and think that the --

**LEG. GULDI:**

-- to the studio in East Hampton would be more than welcome to get some air time for anything they want to do.

**LEG. CARACCIOLO:**

They do that for the East Hampton Town Board meetings. You do not want to watch them.

**P.O. POSTAL:**

Well, you know, I was thinking about a committee meeting, not a Legislative meeting. And I was thinking that a committee meeting like the Environmental Committee might be of particular interest to people across --

**LEG. VILORIA-FISHER:**

Ways and Means, if they want a long nap.

**P.O. POSTAL:**

Look how happy Legislator Bishop is. No, seriously.

**LEG. BISHOP:**

I agree.

**P.O. POSTAL:**

So I'm trying to work something out. I think it would be very interesting and informative, and I think it might be a beginning for --

**LEG. CARACCIOLO:**

Of the end.

**P.O. POSTAL:**

For the Legislature -- listen, I'm leaving in two years. For the Legislature to educate the public as to how the government of its County works, and then, conceivably, it could be expanded to cover other Legislative activities. So just -- I just never thought to mention that until this time.

**LEG. CARACCIOLO:**

I notice it took you 18 years.

**P.O. POSTAL:**

We have a motion and a second on Sense 44.

**LEG. VILORIA-FISHER:**

Actually, I had asked to be recognized. I had a question for the Chair of the Committee. Why was this discharged without recommendation --

**LEG. ALDEN:**

Because I had that question of George Guldi that I asked a few minutes ago.

**LEG. VILORIA-FISHER:**

Oh, that's it? Okay. Thank you.

**P.O. POSTAL:**

Okay. We have a motion and a second. All in favor? Opposed?

**LEG. HALEY:**

Opposed.

**LEG. BINDER:**

Abstain.

**P.O. POSTAL:**

Abstention by Legislator Binder.

**LEG. CRECCA:**

I'll abstain also.

**P.O. POSTAL:**

And Legislator Crecca.

**MR. BARTON:**

Thirteen. (Not Present: Leg. Tonna)

**P.O. POSTAL:**

Okay. Sense 44 is approved. **Sense 45 - Memorializing resolution requesting the federal government to continue to hold responsible parties liable for MTBE cleanup costs.**

Approved 5-0-0-1. Motion by Legislator Vilorio-Fisher.

**LEG. FOLEY:**

Second.

**P.O. POSTAL:**

Seconded by Legislator Alden.

**LEG. ALDEN:**

Cosponsor.

**P.O. POSTAL:**

And cosponsor, Legislator Alden. All in favor? Opposed? Sense 45 is approved.

**MR. BARTON:**

16, 1 not present. (Not Present: Leg. Tonna)

**P.O. POSTAL:**

**Sense 46 - Memorializing resolution requesting New York State government to fully implement January 1st, 2004 commencement of State ban on MTBE.** Approved 5-0-0-1.

**LEG. VILORIA-FISHER:**

Motion.

**LEG. ALDEN:**

Second.

**P.O. POSTAL:**

Motion by Legislator Viloría-Fisher, seconded by Legislator Alden.

**LEG. ALDEN:**

Cosponsor.

**P.O. POSTAL:**

Cosponsor by Legislator Alden. All in favor? Opposed?

**LEG. BINDER:**

Opposed.

**P.O. POSTAL:**

Opposed, Legislator Binder.

**MR. BARTON:**

15. (Not Present: Leg. Tonna)

**P.O. POSTAL:**

Sense 46 is approved. **Sense 48 - Memorializing resolution requesting State of New York to provide equitable --**

**LEG. CARACCILO:**

Cosponsor.

**P.O. POSTAL:**

-- **distribution of sales tax revenue from repeal of clothing tax exemption.**

**LEG. CARACCILO:**

Cosponsor.

**LEG. GULDI:**

Motion.

**P.O. POSTAL:**

Approved 6-0-0-1. Motion by Legislator Guldi, seconded by Legislator Caracciolo. I have the feeling, am I right -- I'm going to ask a question. Does this mean that we will apportion the sales tax in direct proportion to the region from whence it is collected?

**LEG. GULDI:**

No. This is actually simpler than that. This simply says to the State, "Don't glom it all, give us back our share."

**P.O. POSTAL:**

Oh, that's fine. I'm glad you explained that. I would like to cosponsor that.

**LEG. NOWICK:**

Cosponsor.

**LEG. BINDER:**

Cosponsor.

**P.O. POSTAL:**

And I think we'd all like to cosponsor that, frankly. All in favor? Opposed? Sense 48 is approved. **Sense 49** --

**MR. BARTON:**

16, 1 not present. (Not Present: Leg. Tonna)

**P.O. POSTAL:**

-- **Memorializing resolution requesting New York State Department of Transportation to create center turn lane on Jericho Turnpike (Route 25), in Town of Huntington.**

Approved 5-0. Motion by Legislator Binder. Let's get a second.

**LEG. FOLEY:**

I'll second the -- I'll second the motion.

**P.O. POSTAL:**

Second by Legislator Foley.

**LEG. HALEY:**

Question.

**P.O. POSTAL:**

Question from Legislator Haley. Let's --

**LEG. HALEY:**

I just want to know, is this the center --

**P.O. POSTAL:**

We're almost finished. We're almost finished.

**LEG. HALEY:**

Is this the center turn lane in front of his office?

**LEG. BINDER:**

Yes.



**P.O. POSTAL:**

Frankly, I don't know how you could do that. It's a very -- actually, the truth of the matter is the road configuration by his office --

**LEG. BINDER:**

Accidents happen there all the time, screech, crunch.

**LEG. FOLEY:**

Madam --

**LEG. GULDI:**

Screech, crunch?

**P.O. POSTAL:**

Okay. Legislator Foley.

**LEG. FOLEY:**

Allan.

**LEG. GULDI:**

That's the best argument.

**LEG. FOLEY:**

Legislator Binder. Legislator Binder, I'm glad you're turning left for a change. That's very good.

**P.O. POSTAL:**

That depends.

**P.O. POSTAL:**

When he's coming from the other direction, he's -- I don't know how he's turning, to tell you the truth. Actually, you're right, he's always -- he's always -- he can't do anything but turn left, you're right.

**LEG. BINDER:**

No, no. Hey, Brian, it's all those who -- the other ones who are all making lefts, they're all

getting in accidents.

**P.O. POSTAL:**

Okay. We have a motion and a second. All in favor?

**MR. BARTON:**

16, 1 not present. (Not Present: Leg. Tonna)

**LEG. FOLEY:**

Madam Chair, motion to approve.

**P.O. POSTAL:**

Sense 49 is approved.

**LEG. FOLEY:**

Motion to approve **1469**.

**LEG. HALEY:**

Second.

**LEG. CARPENTER:**

Second.

**P.O. POSTAL:**

Motion to approve **1469, which is a resolution authorizing use of Smith Point County Park property for Mastic Beach Fire Department --**

**LEG. CARACCILO:**

Second.

**P.O. POSTAL:**

**-- for Fourth of July drive.** That was a motion by Legislator Foley, seconded by Legislator Caracappa. And I think you had a question.

**LEG. CARACCIOLO:**

No. I said second.

**P.O. POSTAL:**

No.

**LEG. BINDER:**

That's the one for the run.

**LEG. FOLEY:**

That's the next one.

**P.O. POSTAL:**

No.

**LEG. FOLEY:**

That's 71.

**P.O. POSTAL:**

No. This is the one for the carnival, I guess you'd call it, is that --

**LEG. FOLEY:**

No, no, no, not carnival.

**P.O. POSTAL:**

No, it's not a carnival?

**LEG. FOLEY:**

This is for the Fire Department.

**LEG. GULDI:**

Fire Department.

**LEG. BINDER:**

This is for standing at the toll booths asking my constituents for money. Okay.

**LEG. FOLEY:**

Politely.

**P.O. POSTAL:**

Your constituents don't go there.

**LEG. BINDER:**

I'm opposed to this one.

**LEG. FOLEY:**

Politely.

**P.O. POSTAL:**

They don't leave Huntington, unless they're compelled. All right. We have a motion and a second. All in favor? Opposed?

**LEG. BINDER:**

Opposed.

**LEG. BISHOP:**

Opposed.

**P.O. POSTAL:**

Now we have a motion by Legislator Foley --

**MR. BARTON:**

14. (Not Present: Leg. Tonna)

**LEG. FOLEY:**

Thank you.

**P.O. POSTAL:**

-- to --

**LEG. FOLEY:**

Motion to approve **1471**. This is the 5K run. We need to approve it today in order for them to organize.

**LEG. CARACCILO:**

Second, third.

**LEG. FOLEY:**

The monies go to a number of scholarships and the literacy program at the local library.

**D.P.O. CARACAPPA:**

And I might add, this is a great race to run in, you should all participate.

**LEG. FOLEY:**

And if we approve this, we'll see Legislator Caracappa running, so.

**LEG. ALDEN:**

Is that a challenge?

**D.P.O. CARACAPPA:**

Challenge.

**P.O. POSTAL:**

And I would just say this is really for a very worthwhile cause, and it's a very healthy activity, having been a runner for too many years. All in favor? Opposed?

**MR. BARTON:**

Who was the second?

**P.O. POSTAL:**

1471 is approved.

**LEG. FOLEY:**

Okay. Thank you.

**P.O. POSTAL:**

We have two late-starters.

**MR. BARTON:**

16, 1 not present. (Vote: 15, 1 not present - Not Present: Leg. Tonna)

**LEG. CRECCA:**

Madam --

**P.O. POSTAL:**

Let me just do --

**LEG. CRECCA:**

I'm sorry. I just want to make sure that we -- did we do an override on 416?

**MS. BURKHARDT:**

No. We have them right here.

**P.O. POSTAL:**

No, we'll do them.

**MS. BURKHARDT:**

We didn't do them yet.

**LEG. CRECCA:**

Okay.

**P.O. POSTAL:**

We have CN's.

**LEG. CRECCA:**

416 was done, you're sure?

**P.O. POSTAL:**

Which is that one, tell me.

**LEG. CRECCA:**

That was the body alarms. I don't remember --

**P.O. POSTAL:**

Yes.

**LEG. CARACCILO:**

Yes, yes, yes, yes.

**LEG. VILORIA-FISHER:**

We did the body alarms.

**P.O. POSTAL:**

And it was approved. You'll be happy to know it was approved.

**LEG. CRECCA:**

I just want to make sure.

**LEG. GULDI:**

Pay attention.

**P.O. POSTAL:**

I forgive you. We have -- I'll make a motion to lay on the table I.R. **1598 and 1599, which is planning steps.** Assigned to ELAP and, let's see.

**MS. BURKHARDT:**

1599, assigned to Ways and Means.

**P.O. POSTAL:**

Assigned to Ways and Means. It's a resolution rescinding something due to a lack of payment of the prior fee. I could understand we wouldn't want to rescind -- we wouldn't want to rescind something if we didn't get paid. But anyway, we have a motion by Legislator Crecca, seconded

by myself. All in favor? Opposed? They're both --

**LEG. HALEY:**

I'm opposed. I'm opposed.

**P.O. POSTAL:**

-- laid on the table.

**LEG. HALEY:**

I'm opposed.

**P.O. POSTAL:**

Oh, you're opposed? Where was the opposed?

**LEG. HALEY:**

I'm opposed.

**MR. BARTON:**

15-1. (Not Present: Leg. Tonna)

**P.O. POSTAL:**

Legislator Haley, being consistent --

**LEG. HALEY:**

Well, Toussie's name is on it. I'm opposed.

**P.O. POSTAL:**

Okay. No problem, no problem. We have some CN's. Let's just be patient, we're almost finished. **1430, which is, let's see, appropriating funds in connection with renovations to Building 50 in Hauppauge.** We all know Building 50, we all know the history of Building 50. Motion --

**LEG. FIELDS:**

What's Building 50?



**LEG. FOLEY:**

Oh, it's the North County Complex. It's all the computer --

**D.P.O. CARACAPPA:**

These are just for the bathrooms.

**LEG. GULDI:**

A bathroom.

**D.P.O. CARACAPPA:**

The bathrooms.

**P.O. POSTAL:**

Motion by Legislator Caracappa, seconded by myself. All in favor?

**MR. SABATINO:**

There's a bond. It's a bond resolution.

**P.O. POSTAL:**

Oh, there's a bond.

**D.P.O. CARACAPPA:**

There's a bond.

**P.O. POSTAL:**

So roll call.

**MR. BARTON:**

On the bond.

**(Roll Called by Mr. Barton, Clerk)**

**D.P.O. CARACAPPA:**

Yes.

**P.O. POSTAL:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. TONNA:**

(Not Present)

**LEG. BINDER:**

Pass.

**LEG. BISHOP:**

Pass.

**LEG. NOWICK:**

Yes.

**LEG. CRECCA:**

Pass.

**LEG. CARPENTER:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. FIELDS:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. HALEY:**

Yes.

**LEG. VILORIA-FISHER:**

Yes.

**LEG. GULDI:**

Pass.

**LEG. CARACCILO:**

Yes.

**LEG. BINDER:**

Yes.

**LEG. BISHOP:**

Yes.

**LEG. CRECCA:**

Yeah.

**LEG. GULDI:**

No.

**MR. BARTON:**

15-1, 1 not present. (Not Present: Leg. Tonna).

**P.O. POSTAL:**

Same motion, same second, same vote.

**LEG. CARACCILO:**

Madam Chair, on 1590, CN.

**P.O. POSTAL:**

I'm doing all the CN's. Motion to approve --

**LEG. CARACCIOLO:**

1590, yes.

**P.O. POSTAL:**

-- **1590** by Legislator Caracciolo. This is a resolution --

**LEG. CARACCIOLO:**

Mr. Grier spoke on this first thing this morning. This is the Brookhaven National Lab. We're giving them the property in its entirety without the reverter clause.

**LEG. VILORIA-FISHER:**

Oh, right.

**P.O. POSTAL:**

Thank you.

**LEG. VILORIA-FISHER:**

Motion.

**P.O. POSTAL:**

Seconded by Legislator Vioria-Fisher. All in favor? Opposed?

**LEG. FIELDS:**

Opposed.

**LEG. ALDEN:**

Abstain.

**P.O. POSTAL:**

Okay. That is approved.

**MR. BARTON:**

14-1-1-1. (Not Present: Leg. Tonna)

**P.O. POSTAL:**

And our last CN is **1597 (Authorizing certain technical corrections to Resolution Nos. 964-2002 and 269-2003)**, which is -- let's see. **It authorizes certain technical corrections to resolutions that we've already approved.** Can we just have a real, real fast explanation of what these corrections are?

**LEG. FOLEY:**

They're technical corrections.

**MR. SABATINO:**

It changes the designation from Senior Olympics to Long Island Senior Games for the omnibus resolution for this year's budget, and leave the dollar amount the same, and it changes a budget code for Saint Mary's School, East Islip, which recently received, I think, \$5,000. The budget code is being changed.

**P.O. POSTAL:**

All in favor? Opposed? And that reminds me.

**MR. BARTON:**

16, 1 not present. (Not Present: Leg. Tonna)

**P.O. POSTAL:**

Just -- 1597 is approved. We have -- okay, okay, all right. Let me just remind those of you who have any intention of amending the Operating Budget, that our third window is coming up. It's been my experience that the later in the year that you wait to amend the Operating Budget, the less chance you have that that money will actually ever be appropriated. So I'm suggesting to you that you get those Operating Budget amendments approved, prepared, rather, you get them, give them to Budget Review, they'll get them to the Clerk, and just wait until the appropriate time, and then you be very, very vigilant about communicating with the recipients to make sure they get their contracts, so that people get the money that they should be receiving from the County. Thank you. This was a wonderful meeting. I hope you all enjoy the Fourth of July. The meeting is adjourned.

**[THE MEETING WAS ADJOURNED AT 6:35 P.M.]**

**{ } Indicates Spelled Phonetically**